Human Resources Management

Manual 500

NOVA SCOTIA

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For further information about the Government of Nova Scotia's Management Manuals, please contact:

Governmnent of Nova Scotia
P.O. Box 1617
Halifax, Nova Scotia
Canada B3J 2Y3

Telephone: (902) 424-8910
Fax: (902) 424-7638
E-mail: manuals@gov.ns.ca

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Chapter 1: Introduction

1.1 Introduction

The corporate administrative policies and procedures of the Government of Nova Scotia, as approved by Treasury and Policy Board, are contained in four Management Manuals.

100 MANAGEMENT GUIDE
Documents the organizational structure of government and the delegation of responsibility to departments. This manual also outlines the Cabinet decision-making process and the planning, budgeting, and accountability framework.

200 BUDGETING AND FINANCIAL MANAGEMENT
Documents the budgeting and budgetary control processes as well as accounting policies and procedures applicable across government.

300 COMMON SERVICES
Documents common operational services provided within government for the benefit of other government entities.

500 HUMAN RESOURCES MANAGEMENT
Documents the human resources policies and procedures that apply to all employees, except where superseded by collective agreements.

These manuals are posted in PDF format on Treasury and Policy Board office's Internet site (http://www.gov.ns.ca/tpb/manuals). Hyper-links to the Management Manuals are also located on the government Internet and Intranet home pages. All departments, offices, Crown corporations and other government entities are encouraged to access the manuals electronically, as it provides improved functionality over the hard copy and is a cost-savings to government.

The web site has been designed to assist users in the easy retrieval of relevant information. Web site features include the Record of Revisions identifying recent changes to the manuals and the option of joining a listserv for automated notification of revisions. An online order form is available for those requiring a hard copy (a cost-recovery service).

The Management Manuals are living documents, with the ongoing updating, adding and deleting of policies and procedures. Treasury and Policy Board office is responsible for maintaining the currency of the information on the web site. Employees are to check the web site regularly to ensure they are using the current version of a policy/procedure. The master version of each manual is retained at the Treasury and Policy Board office.

References

Management Manuals Policy, Management Guide
Q&As, Management Manuals web site

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

1.2 Introduction to the Human Resources Management Manual

The Nova Scotia government is committed to effectively managing its human resources. This manual contains the human resource policies and procedures that apply to all employees. However, for employees covered by collective agreements, those agreements take precedence over policies outlined in this manual.

Please direct any questions concerning the interpretation of a policy in this manual to the Public Service Commission through their General Enquiries at (902) 424-7660.

Please note: Effective June 1st, 2001 the Department of Human Resources became the Public Service Commission. While every effort has been made to change all references of the former department to the new organization's name within the manual, there may be some oversights in the publication. In those instances, the Department of Human Resources should be read as the Public Service Commission.

About the Public Service Commission

The Public Service Commission provides corporate human resources policy, programs, and consultative services for civil servants and other direct employees of government in all departments, boards, commissions, and agencies of government that are focused on building the human potential of government and the delivery of high-quality government services. The commission also provides advisory services to government and the broader public sector and is responsible for negotiating or directing the negotiations for certain employee groups paid from public funds.

The commission provides a wide range of services to departments, agencies, boards, and commissions in a broad spectrum of human resources initiatives, including collective bargaining and labour relations; diversity management; employee health services including employee assistance and occupational health and safety; human resource information management; policy, planning, and research; recruitment; classification; compensation; and training and development.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: January 15, 2003
Approved by: Public Service Commissioner
Manual release date: January 9, 2003
Most recent review: January 14, 2003

Chapter 2: Staffing

Government of Nova Scotia
Human Resources Management Manual

2.1 Fair Hiring Policy

Policy Statement

The Government of Nova Scotia is committed to following fair hiring practices when filling positions within the Government of Nova Scotia.

Definition

Immediate Family

Father, mother, step-parents, brother, sister, spouse, child of the employee, father-in law, mother-in-law, step child, ward of the employee, grandparent or grandchild of the employee, and a relative permanently residing in the employee's household or with whom the employee permanently resides.

Policy Objectives

Fairness in hiring practices will be achieved through the following practices:

- Vacancies will be properly advertised.
- Hiring decisions will be based on the results of the selection process.
- Candidates will be selected on the basis of merit, except where collective agreement provisions or other established hiring policies provide otherwise, in accordance with the process established herein.

Application

This policy applies to the Government of Nova Scotia and all employees who are responsible for and involved with selection and hiring on behalf of the Government of Nova Scotia.

Policy Directives

NOTIFICATION OF CIVIL SERVICE POSITIONS

Employees and members of the public will be provided with reasonable access to notification of employment opportunities. Vacancies requiring external competition will be published in the Public Service Commission Employment Opportunities Bulletin.

RECRUITMENT AND SELECTION PROCESSES

- Recruitment and hiring must appear to be conducted, and must be conducted, in a manner that is fair, objective, and legally defensible.
- Persons involved in the recruitment and selection processes must possess the requisite knowledge and skills necessary to properly evaluate candidates and to make appropriate recommendations to the Deputy Minister of a department, agency, board, or commission. The Public Service Commission maintains the right to chair any interview panel.
- A fair hiring process must meet the following requirements:
  - consistent selection criteria and evaluation of candidates for similar positions
  - selection criteria must be properly related to established bona fide job requirements
  - consistent treatment of applicants in interviews
  - interview, rating process, reference checks, supplementary tests, and assessment techniques must be fair and impartial
  - determination of successful candidate based upon merit having regard to established job requirements except where provided otherwise under applicable collective agreement provisions or established hiring policy
  - fair and reasonable accommodation of designated employment equity groups (i.e., aboriginal persons, racially visible persons, persons with disabilities, and women).
- The administrative process to be followed in the recruitment and selection processes is outlined in Appendix 2-A.

HIRING OF RELATIVES

- Where a position is being filled in a department, agency, board, or commission and a candidate for the position being filled is a member of the immediate family of an employee in the department, agency, board, or commission, the person is not to be employed where such situation presents a realistic danger or reasonable risk of adverse consequences to the department, agency, board, or commission that cannot be minimized by some other means. Such situations will be assessed on a case-by-case basis.

  The persons conducting interviews have a responsibility to make candidates aware of this provision and to inquire as to immediate family relationships that would exist if the candidate were to be appointed to the position.
- Employees of the hiring department, agency, board, or commission, the Public Service Commission, and any other persons are required to disqualify themselves as

participants in a hiring process when their objectivity would be compromised for any reason and where a candidate is a member of the employee's immediate family.

- The Deputy Minister or departmental manager in a department, agency, board, or commission will advise the Nova Scotia Public Service Commission where it has unknowingly recommended for appointment to a position a person who should have been excluded from competition in accordance with the first clause of this section: **Hiring of Relatives**. No department will appoint an excluded candidate under the terms of this policy.

CASUAL EMPLOYEES

- Departments, agencies, boards, and commissions are responsible for recruiting and selecting casual employees.
- The Public Service Commission may establish an inventory of persons in the Province of Nova Scotia who are qualified and interested in casual employment. Where available, the Public Service Commission will provide the department, agency, board or commission with a short list of qualified persons.
- Departments, agencies, boards, and commissions are required to contact the Diversity Management Unit of the Public Service Commission to obtain names and applications of qualified employment equity candidates for casual employment.
- Departments, agencies, boards, and commissions may employ the most expeditious processes available for recruitment while upholding the principles of fair recruitment and selection processes as outlined in the **Policy Directives.**
- Where an applicant for casual employment was previously employed in the public service upon a fair hiring process as established herein, and where such employee was found to have performed in a satisfactory manner as evidenced by the employment records, preference may be given to such former employee where the position applied for has similar job responsibilities to the position formerly occupied by such applicant.

SEASONAL AND STUDENT EMPLOYEES

- Departments, agencies, boards, and commissions are responsible for recruiting and selecting seasonal and student employees.
- Departments, agencies, boards, and commissions are required to contact the Diversity Management Unit of the Public Service Commission to obtain names and applications of qualified employment equity candidates for a casual employment.
- Where employees are hired through student employment programs (e.g., university co-op), departments, agencies, boards, and commissions should make efforts to limit

employment to three work terms per student in an effort to support a broad range of students under these programs.

- Departments, agencies, boards and commissions where operationally feasible, should attempt to achieve a fifty percent turnover in summer and seasonal employees.

NO COMPETITION

The Government of Nova Scotia may make appointments to positions outside the Civil Service, including:

- Deputy Ministers
- Chief Executive Officers of Agencies, Boards and Commissions
- Executive Assistants to Members of Executive Council
- Secretarial and Policy Advisory Personnel in the Offices of the Premier, Ministers or the Treasury and Policy Board.

Such appointments may be made by the Lieutenant Governor in Council, Ministerial appointment or by Personal Service Contract without competition.

Policy Guidelines for Fair Hiring Policy

Guidelines will be developed, as required, to assist departments, agencies, boards and commissions with implementation and administration of the policy.

Accountability

DEPUTY MINISTERS

Deputy Ministers are responsible for authorizing selection decisions based upon recommendations provided and are accountable to the Nova Scotia Public Service Commission for compliance with this policy.

Exception to Merit Principle

Before a Deputy Minister chooses to deviate from the recommendation of the selection panel, approval must be obtained from the Nova Scotia Public Service Commission. The Deputy Minister must provide strong and compelling reasons in support of such request.

Audit

The Deputy Minister of a department is responsible for ensuring a regular audit of competitions is undertaken to ascertain departmental compliance with this policy.

NOVA SCOTIA PUBLIC SERVICE COMMISSION
The Nova Scotia Public Service Commission has responsibility for appointing the candidate selected and recommended by the Deputy Minister where it is satisfied the requirements of the Fair Hiring Policy have been met.

MANAGERS
Managers and employees responsible for recruiting and selection processes are accountable for ensuring compliance with this policy.

Monitoring

The Nova Scotia Public Service Commission may periodically conduct audits of departmental competition processes to ascertain compliance with this policy.

References

Charter of Rights and Freedoms

Nova Scotia Human Rights Act

Civil Service Master Agreement between Province of Nova Scotia and Nova Scotia Government Employees Union (March 1, 1997 to March 31, 2000) section 11.02 (a)

Government of Nova Scotia Affirmative Action Policy

Government of Nova Scotia Background Checks Policy on Candidates Being Considered for Employment in the Nova Scotia Public Service

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:* *March 31, 2000	***Manual release date:* *January 9, 2003***
Approved by:* *Judith Sullivan-Corney, Deputy Minister	***Most recent review:***

Appendix

Appendix 2-A - Administrative Procedures Fair Hiring Process

Appendix 2-A

Administrative Procedures Fair Hiring Process

Civil Service Position

1. Vacancy notices submitted to the Public Service Commission must accurately reflect position requirements and duties to ensure that vacancy publicity is consistent with civil service classification standards.
2. The Public Service Commission, following consultation with the hiring department, shall determine the manner and extent to which vacancies in the civil service are given publicity.
3. Vacant civil service positions (temporary, term, and probationary, permanent) will be filled through the competition process.
4. Applicants will be required to apply directly to the Public Service Commission for each employment competition.
5. Application for Employment Forms will include a section permitting voluntary identification of employment equity candidates.
6. Applications will be accepted if received by the Public Service Commission by 12:00 mid-night on the closing date.
7. The eligible list submitted to a department by the Public Service Commission, following consultation with department officials where appropriate, will include those applicants deemed by the Public Service Commission to be most suitably qualified and/or those deemed eligible because of recognized special placement programs (e.g., Diversity Management and re-employment of staff affected by layoff).
8. Eligible lists pursuant to Item 7 will not exceed five applicants, unless the Public Service Commission, in consultation with department officials where appropriate, determines that a broad range of candidates is necessary.

9. The interviewers or interview panel will submit its results and recommendations to the Deputy Minister listing the candidates in the order of merit.
10. The Public Service Commission will appoint the candidate selected and recommended by the Deputy Minister where it is satisfied that the competition was fair and reasonable, free from undue influence, and conducted in accordance with the principle of merit and equal opportunity and conforms with policies and procedures prescribed by the Public Service Commission.

Casual Staff

- Departments, agencies, boards, or commissions may contact the Public Service Commission to request that arrangements be made for testing to determine the qualifications and skills of applicants.
- Departments, agencies, boards, or commissions may contact the Public Service Commission for assistance in specifying requirements, including such items as skills, assessment, job location, job classification, etc.
- The Diversity Management Officer for the hiring department, agency, board, or commission will consult with the Human Resources Consultant to determine whether there are employees who have been affected by job redundancy or layoff who should be considered in the competition.

Seasonal and Student Employees

- The Human Resources Corporate Services Units serving departments, agencies, boards, and commissions assist in identifying the minimum qualifications and special attributes needed to fill the job.
- The Human Resources Corporate Services Units provide direction and assistance with:
  - publicity and job profile
  - development of questions for the interview
  - board composition (ensuring that there are at least two people on a board, preferably a manager, supervisor, or technical expert and one human resources person, where possible)
  - reference checking
- All applications are reviewed by the applicable Human Resources Corporate Services Unit, and it provides assistance in the generation of an approved eligibility list.
- All requests for information regarding hiring should be handled by the Human Resources Corporate Services Units or designate as applicable (including special requests).

2.2 Background Checks on Candidates Being Considered for Employment in the Nova Scotia Public Service

General Policy

Deputy Ministers and delegated officials are accountable for making informed hiring decisions based on appropriate background information concerning candidates for employment (for gain or otherwise) in the public service.

Background Information

Background information means information pertaining to the candidate's credit history driving record, criminal record, Child Abuse Register record, employment and community references, and other information deemed appropriate.

A candidate's background will be considered for the purpose of making an informed decision on suitability for employment.

Background information may be obtained and considered at any stage in the recruitment process.

REFERENCE CHECKS

Employment and/or community reference checks are undertaken in every case.

References should include recent (and preferably current) supervisors who have worked with the candidate for a sufficient period of time to be able to offer an informed assessment and may include others who have relevant knowledge about the candidate.

Relatives of the candidate should not be consulted for references.

The sources and details of reference information are confidential and will not be disclosed to the candidate without prior written authorization from the person who provided the information or as required by law.

CREDIT CHECKS

Credit record checks are to be conducted primarily concerning candidates for positions involving responsibility or the opportunity for handling public funds or other financial activity.

Credit checks may be conducted through EQUIFAX CANADA or other reputable agencies.

The result of the credit check will be disclosed at the candidate's request.

CRIMINAL RECORD CHECKS
Criminal record checks may be undertaken as warranted, but not for convictions for which a pardon has been granted and remains in effect.

For criminal record checks, the candidate should attend at the candidate's local police department. There will likely be a fee charged for this service. In exceptional cases, a criminal record check may be requested of the Policing Services Division of the Department of Justice.

The result of the criminal record check will be disclosed at the candidate's request.

DRIVING RECORD CHECKS
Driving record checks are to be conducted concerning candidates for positions likely to involve the operation of a motor vehicle in the course of employment.

Driving record checks are to be addressed to the Registrar of the Nova Scotia Registry of Motor Vehicles or other qualified agency.

The result of the driving record check will be disclosed at the candidate's request.

CHILD ABUSE REGISTRY CHECKS
Child Abuse Registry checks be carried out when authorized pursuant to the *Children and Family Services Act* and regulations, in appropriate situations. Section 66(4) of the act provides that

> "Upon the receipt of a request in writing from a person as prescribed by the regulations and with the written consent of the person to whom the request relates, the Minister may disclose information in the Child Abuse Register concerning
>
> (b) a person, including a volunteer, who is or would be caring for or working with children and the person who receives the information shall treat the information as confidential."

Regulation 60(1) of the regulation made pursuant to the *Children and Family Services Act* prescribes the classes of individuals or organizations who may request a search. With regard to a candidate who would be employed in the care for children or working with children, including volunteers, the relevant persons or organizations who may request a search are:

- any provincial government department, board, or agency that provides services to children
- any corporation, society, agency, or business that provides services to children
- any agency; child care service, child-caring facility, or child-placing agency operating under the *Children and Family Services Act* and the regulations
- such other persons, groups, or organizations as may be designated by the Minister (the Minister of Community Services).

No search can be requested without the written consent required by Section 66(4) and a completed application form prescribed by the regulations (Form XIII).

Requests for record searches are to be addressed to:

Coordinator, Child Protection and Computer Services
Family and Children's Division
Department of Community Services
PO Box 696
Halifax, Nova Scotia B3J 2T7
(902) 424-3867

The results of the Child Abuse Register search will be disclosed to the candidate upon request, but not otherwise.

Generally

The hiring authority will make every reasonable effort to obtain reliable and appropriate background information before an offer to engage a candidate is made.

In cases where background checks cannot be undertaken before an offer is made, the hiring authority will inform the employee in writing that the offer is conditional upon conclusion and results of background checks.

In cases where urgency requires that a candidate be engaged before background checks are undertaken, the hiring authority will inform the candidate in writing that employment is subject to results obtained in the course of background checks.

The hiring authority may waive all or some background checks in cases where sufficient information about the candidate's background is known **or** where an immediate need for a very short-term assignment makes background checks impractical.

Where there is room for discretion on where certain background checks are undertaken or not, the discretion must be exercised fairly.

Consent to Background Checks

The hiring authority, prior to carrying out background checks, should, and in the case of **credit, criminal record, driving record, or Child Abuse Registry** checks must, obtain the candidate's written consent, as per Appendix 2-B.

The hiring authority may contact persons identified by the candidate and/or others for **reference** purposes, except that the candidate's current employer will not be contacted without prior consent.

The hiring authority must honour the candidate's request not to contact a current employer, or certain persons, but may require satisfactory explanation supporting the request and alternative references.

Refusal to Consent or Failure to Provide References

If a candidate refuses to consent to background checks or fails to identify satisfactory references as requested, the hiring authority should advise the candidate that the inability to obtain necessary background information will likely adversely affect the candidate's opportunity for employment or appointment.

Confidentiality

Background information is confidential and subject to the provisions of the Nova Scotia *Freedom of Information and Protection of Privacy Act*. Such background information is strictly confidential, restricted to persons directly involved in the hiring process, and only for selection purposes.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendix 2-B

Nova Scotia Public Service Consent to Obtain Background Information

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Approval date: September 29, 1995
Approved by: Mildred Royer, Deputy Minister

Manual release date: January 9, 2003
Most recent review:

Appendix 2-B

Nova Scotia Public Service Consent to Obtain Background Information

As a precondition of my employment, appointment, or assignment to any position or activity in the Nova Scotia Public Service, I authorize the hiring authority to confidentially obtain information about me through credit, criminal record, driving record, and/or Child Abuse Registry checks, as appropriate. I understand that:

a) information obtained through credit, criminal record, driving record, and Child Abuse Registry checks will be disclosed to me if I request it

b) the hiring authority may contact persons indentified by me and/or others for reference purposes except that my current employer will not be contacted without my consent

c) the sources and details of reference information are confidential and will not be disclosed to me unless consented to by the source

d) my eligibility for employment, appointment, or assignment to any position or activity in the public service may be adversely affected if I refuse to consent to obtaining appropriate background information.

Full Name (Please Print): ______________________________

Address: ______________________________

____

Current Occupation & Employer: ______________________________

*Social Insurance Number (voluntary)

*Date of Birth (voluntary)

**Your SIN AND DOB will help the credit bureau find your credit records and minimize the likelihood of their providing data on the wrong person. However, it is not mandatory that you provide your SIN and DOB.*

I consent to background checks:

______________	______________	______________
Signature	Date	Witness

2.3 Personal Services Contract Policy

Policy Statement

Where a department, board, commission, or agency wishes to engage the services of a person by contract, such personal services contracts must be prepared in accordance with the policy requirements established herein to have legal force and effect.

Personal services contracts are to be considered only for use where the nature of the work or employment circumstances mitigate against either: (a) the work being completed by an existing employee or (b) the creation of a civil service position.

Policy Objectives

This policy establishes requirements for the use and approval of personal services contracts.

Application

This policy applies to all departments, boards, commissions, and agencies.

Policy Directives

Departments, boards, commissions, and agencies must ensure the following requirements are met when engaging the services of a person by contract:

- The Treasury and Policy Board has approved the use of the following precedents for the preparation of personal services contracts:
  - precedent for Contract of Service in Appendix 2-C
  - precedent for Contract for Services in Appendix 2-D.
- Personal services contracts may be used to make appointments to positions outside the civil service including, *inter alia*, Deputy Ministers; chief executive officers of agencies, boards, and commissions; executive assistants to Members of Executive Council; and secretarial and policy advisory personnel in the offices of the Premier, Ministers, or the Treasury and Policy Board.
- All personal services contracts are required to be sent to the attention of the Public Service Commissioner who is responsible for reviewing such contracts to determine consistency with the approved precedents for personal services contracts. Contracts submitted that are determined to accord with the appropriate precedent will

be signed and forwarded with a recommendation regarding approval to the Deputy Minister of the Office of the Premier.

- All personal services contracts that are prepared in accordance with the approved precedents for personal services contracts must be signed by the Deputy Minister of the Office of the Premier who has been provided with the authority to administer this process on behalf of the Treasury and Policy Board, which has ultimate authority for such contracts under section 16(2) of the *Public Service Act*. Once approved, a signed copy of the personal services contract will be returned to the originating department.
- Contracts that contain provisions that vary significantly from the approved precedents for personal services contracts are required to be submitted, along with supporting documentation that explains the rationale for inclusion of the terms or conditions that are requested, to the Public Service Commissioner who will provide such contract and accompanying documentation to the Deputy Minister of the Office of the Premier who will, in turn, submit such to the Treasury and Policy Board for final approval. Once approved, a signed copy of the personal services contract will be returned to the originating department.

Accountability

TREASURY AND POLICY BOARD

The Treasury and Policy Board has ultimate authority for the approval of personal services contracts.

TREASURY AND POLICY BOARD

The Deputy Minister of the Office of the Premier has responsibility for administering the approval process for personal services contracts on behalf of the Treasury and Policy Board in accordance with the precedents that have been approved for personal services contracts as set out in Appendix 2-C and Appendix 2-D.

PUBLIC SERVICE COMMISSION

The Public Service Commissioner is responsible for conducting an initial review of personal services contracts to determine consistency with the precedents that have been approved for personal services contracts as set out in Appendix 2-C and Appendix 2-D and for forwarding such contracts with a recommendation regarding approval to the Deputy Minister of the Office of the Premier.

DEPUTY HEADS
Deputy Heads of departments, boards, commissions, and agencies are responsible for ensuring compliance with the requirements established for personal services contracts.

Monitoring

Departments, boards, commissions, and agencies are required to retain all relevant documentation relating to personal services contracts for a period of 10 years. The Public Service Commission has responsibility for conducting periodic reviews of government practices to determine compliance with these requirements.

References

Nova Scotia *Public Service Act*

Government of Nova Scotia Fair Hiring Policy

Government of Nova Scotia Procurement Policy

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendices

Appendix 2-C: Contract of Service

Appendix 2-D: Contract for Services

Approval date: March 1, 1999
Approved by: Priorities and Planning Committee

Manual release date: January 9, 2003
Most recent review: April 1, 2001

Appendix 2-C

Contract of Service

THIS AGREEMENT, made ______________________________, 2001.

BETWEEN	**HER MAJESTY THE QUEEN** in right of the Province of Nova Scotia, as represented by (Name) (hereinafter called the "Employer")
AND	**(Name)** (hereinafter called the "Employee")

IN CONSIDERATION of the mutual promises herein contained, the Parties covenant and agree as follows:

1. The Employee agrees:
   a) to provide services as ________________ in the ______________________ under the direction of the ______________________________;
   b) to work the minimum number of hours per week required of civil servants; and
   c) to treat as confidential and to keep private and not to make public or to divulge, except in the course of performing duties or providing services under this Agreement, during or after the term of this Agreement, any information or materials of a confidential character relating to the affairs of the Province of Nova Scotia to which the Employee becomes privy acting under this Agreement, unless consent in writing of the Employer is first obtained.

2. The Employer agrees:

   a) to pay a salary to the Employee of $ ___________ per annum (together with pay adjustments provided to non-bargaining unit civil servants), before any deductions required by law or this Agreement;

   b) to grant the Employee _____ (__) weeks of vacation leave with pay per annum, which may be taken in the year they are earned;

   c) to reimburse the Employee for all expenses incurred that would be reimbursed if incurred by a civil servant;

   d) to grant the Employee the same holiday benefits given to civil servants;

   e) to allow the Employee:

      i) to enroll in the Province of Nova Scotia Group Life Insurance Policy;

      ii) to receive insured health benefits under the Provice of Nova Scotia Consolidated Health Plan;

      iii) to participate in the Public Service Superannuation Plan as it exists for civil service employees of the Province;

   f) to grant the Employee sick leave benefits at the rate of 1.5 days per month for each month of service to a maximum of 18 days per year; and

   g) to indemnify and extend the Employee the same protection against liability from suits or claims brought against the Employee in respect of work performed on behalf of the Province as the Employer would provide to a civil servant.

3. The Employee is not entitled to enroll in the Province of Nova Scotia Public Service Long Term Disability Plan and is not, by this Agreement or otherwise, a civil servant.

4. The term of this Agreement shall be ____ months, from __________ 2001, to ________ , unless terminated earlier pursuant to this Agreement or extended by mutual agreement.

5. a) Notwithstanding any other provision herein, this Agreement may be terminated at any time by the Employer, without previous notice, if the Employee fails to carry out the terms of the Agreement. In the event of such termination and subject to subsection (b) hereof, the Employee shall be paid the sum or sums which have accrued under Section 2(a) up to the date of termination, and such sum or sums shall be received by the Employee in full satisfaction and discharge of all claims and demands whatsoever against the Employer in respect of this Agreement.

   b) Notwithstanding subsection (a) hereof, this Agreement may be terminated at any time, for any reason whatsoever, by either of the Parties hereto giving to the other Party thirty (30) days written notice to that effect, and upon such termination the Employee shall be paid the sum or sums which have accrued under Section 2(a) up to the date of termination, and such sum or sums shall be received by the Employee in full satisfaction and discharge of all claims and demands whatsoever against the Employer in respect of this Agreement.

6. The Parties agree that any recourse or remedy arising with this Agreement arises from contract, and that neither Party shall have a claim or remedy, in damages or otherwise, in tort arising with performance or non-performance of this Agreement.

7. The Employee agrees to be bound by the principles and purposes of both the Code of Conduct for Civil Servants established in the Management Manual 500 and the Members and Public Employees Disclosure Act, *S.N.S.*, 1991, Chapter 4, as amended.

8. All materials and information produced from the performance of this Agreement and all rights therein, belong to the Employer.

9. The Employer reserves the right to publish or release in whole or in part, to publish an amended version or not to publish or release at all, or to use or not to use as the Employer may deem fit, any research, reports, material, audio-visual materials, or information produced by the Employee in the performance of this Agreement.

10. This Agreement is not assignable.
11. Any discretionary authority or right under this Agreement is not subject to the expectations, reasonable or otherwise, of the Parties to the contract, and any action taken pursuant to a discretionary provision is deemed to be an exercise in good faith.
12. No term or provision of this Agreement shall be deemed waived and no breach excused, unless the waiver or consent to the breach is in writing, signed by the Party making the waiver or giving the consent. Any consent by a Party, or waiver of, a breach by the other, whether express or implied, shall not constitute a consent to, a waiver of, or excuse for any different or subsequent breach or continuation of the same breach unless expressly stated.
13. If any term or provision of this Agreement is found to be unenforceable or illegal, the rest of the Agreement remains in full force and effect except that the offending term or provision is deemed to be removed from the Agreement.
14. Any notice required to be given hereunder shall be valid if given in writing by prepaid registered letter addressed as follows:

    to the Employer:

    Public Service Commissioner
    One Government Place, 4th Floor
    1700 Granville Street
    PO Box 943
    Halifax, NS B3J 2V9

    and to the Employee:

    Employee's Name
    Employee's Address

    or such other address as is communicated in writing to the Parties hereto, and shall be deemed to have been given two business days after the day such letter is posted. Nothing herein shall preclude the delivery of notices pursuant hereto by means other than mailing.
15. Time shall be of the essence in this Agreement.

16. The Employee hereby certifies that he/she has reviewed and fully understands the terms of this Agreement, and agrees that this Agreement constitutes the whole agreement between the Parties and no representation or statement not expressly contained herein shall survive this Agreement or be binding upon either Party, and that this Agreement can only be modified by written instrument.
17. This Agreement shall be construed in accordance with the laws of the Province of Nova Scotia.

IN WITNESS WHEREOF the Parties have executed this Agreement on the day and year first above written:

SIGNED, SEALED	)	
AND DELIVERED	)	**HER MAJESTY THE QUEEN** in
in the presence of :	)	Right of the Province of Nova Scotia
	)	
______________________	)	Per: ______________________________
Witness	)	Deputy Minister, Office of the Premier
	)	
______________________	)	______________________________
Witness	)	Public Service Commissioner
	)	
	)	
______________________	)	______________________________
Witness	)	Employee

Appendix 2-D

Contract for Services

THIS AGREEMENT, made ____________________________________, 2001

BETWEEN **HER MAJESTY THE QUEEN** in right of the Province of Nova Scotia, as represented by (Name) (hereinafter called the "Employer")

AND **(Name)**

(hereinafter called the "Contractor")

IN CONSIDERATION of the mutual promises herein contained and the sum of One Dollar ($1.00), the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties covenant and agree as follows:

TERM

1. The term of this Agreement shall be from ________________ to ________________ unless terminated earlier pursuant to this Agreement or extended by mutual agreement.

SERVICES TO BE PROVIDED BY CONTRACTOR

2. The Contractor agrees:

   (a) Subject to the conditions herein contained, to ______________ in his/her capacity as a __________________________ under the direction of the ______________________________________ and his/her designate.

   (b) To provide the services set out in "Schedule A" attached hereto.

REMUNERATION

3. The Province agrees:

   (a) Work performed by the Contractor will be billed to the Province on a ____________________________ basis.

   (b) The Contractor shall be paid the amount of ________________ for services subject to satisfactory performance throughout.

   (c) There shall be deducted from the amounts paid pursuant to subsection (b) all deductions which, in the opinion of the Province, are required by the laws of Canada or the Province of Nova Scotia, which deductions shall, without limiting the generality of the foregoing, include where applicable, Employment Insurance, Income Tax, Canada Pension contributions, etc.

   (d) The Contractor shall be reimbursed for expenses in the same amounts as those paid to employees of the Government of Nova Scotia, provided that the Province approves of the expenses as having been necessarily incurred in the discharge of the duties of the Contractor, and the expenses are supported by vouchers.

INDEPENDENT CONTRACTOR

4. It is agreed that this Agreement is for the performance of services by an independent contractor. The Contractor is not nor shall be deemed to be an employee, servant, or agent of the Province.

CONFIDENTIALITY

5. The Contractor shall treat as confidential and not make public or divulge, during as well as after, the term of this Agreement, any information or material relative to the work herein described including information obtained through contact with personnel of the Province or other persons without having obtained the Province's consent thereto in writing.

OWNERSHIP OF INFORMATION

6. All materials and information forming part or produced in the performance of this Agreement and all copyrights thereto, and all patents, trademarks, and industrial designs arising therefrom are the property of the Province.

TERMINATION

7. (a) Notwithstanding any other provision herein, this Agreement may be terminated at any time by the Province, without previous notice, if the Contractor fails to carry out the terms of the Agreement. In the event of such termination and subject to subsection (b) hereof, the Contractor shall be paid the sum or sums which have accrued under Section 3 up to the date of termination, and such sum or sums shall be received by the Contractor in full satisfaction and discharge of all claims and demands whatsoever against the Province in respect of this Agreement.

(b) Notwithstanding subsection (a) hereof, this Agreement may be terminated at any time, for any reason whatsoever, by either of the Parties hereto giving to the other Party thirty (30) days written notice to that effect, and upon such termination the Contractor shall be paid the sum or sums which have accrued under Section 3 up to the date of termination, and such sum or sums shall be received by the Contractor in full satisfaction and discharge of all claims and demands whatsoever against the Province in respect of this Agreement.

ASSIGNMENT

8. The Contractor shall not assign or sublet this Agreement or any part thereof without the written permission of the Province.

BINDING EFFECT

9. This Agreement shall be binding upon the Parties hereto, their respective heirs, administrators, successors, and assigns.

10. This Agreement cannot be renewed except by further written instrument.

11. This Agreement shall be construed in accordance with the laws of the Province of Nova Scotia and shall be treated in all respects as a Nova Scotia contract.

12. The Contractor agrees that any recourse or remedy arising with this Agreement arises from contract, and that he/she shall not have a claim or remedy, in damages or otherwise, in tort arising with performance or non-performance of this Agreement.

13. Any notice pursuant to this Agreement shall be valid if given in writing by postage prepaid registered letter addressed:

    to the Contractor:

    Contractor's Name
    Contractor's Address

    and to the Province:

    Public Service Commissioner
    PO Box 943
    Halifax NS B3J 2V9
    Phone: 424-5426

    or such other address as is communicated in writing to the Parties hereto, and shall be deemed to have been given two business days after the day such letter is posted. Nothing herein shall preclude the delivery of notices pursuant hereto by means other than mailing.

14. The Contractor hereby certifies that he/she has reviewed and fully understands this Agreement and agrees this Agreement constitutes the whole agreement between the Parties and no representation or statement not expressly contained herein shall survive this Agreement or be binding upon the Province, and that this Agreement can only be modified by written instrument.

15. Any discretionary authority or right under this Agreement is not subject to the expectations, reasonable or otherwise, of the Parties to the contract, and any action taken pursuant to a discretionary provision is deemed to be an exercise in good faith.

16. If any term or provision of this Agreement shall be found to be illegal or unenforceable, this Agreement shall otherwise remain in full force and effect, and such term or provision shall be deemed removed from the Agreement.

17. Time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the Parties have executed this Agreement on the day and year first above written.

SIGNED, SEALED	)	
AND DELIVERED	)	**HER MAJESTY THE QUEEN** in
in the presence of:	)	Right of the Province of Nova Scotia
	)	
____________________	)	Per:____________________________
Witness	)	Deputy Minister, Office of the Premier
	)	
	)	
____________________	)	____________________________
Witness	)	Public Service Commissioner
	)	
	)	
	)	
____________________	)	____________________________
Witness	)	Contractor

2.4 Government Sign Language Interpreter Services Policy for Deaf and Hard-of-Hearing Nova Scotians

Policy Statement

The Government of Nova Scotia is committed to ensuring that persons who are Deaf and hard-of-hearing benefit equally from services offered to the general public and will make reasonable accommodation for the provision of interpreter services.

Definition

Interpreter services may be provided to persons who are Deaf and hard-of-hearing through a variety of mediums, and these are outlined in Appendix 2-E.

Policy Objectives

The purpose of the policy is to ensure that reasonable steps are taken to provide services to persons who are Deaf and hard-of-hearing in a fair and non-discriminatory manner through the provision of interpreter services.

Application

This policy applies to all government departments, their agencies, boards, and commissions.

Policy Directives

The government will make reasonable accommodation for the provision of interpreter services to ensure effective communication in the delivery of government services to persons who are Deaf and hard-of-hearing.

To ensure effective communication in the delivery of government services to persons who are Deaf and hard-of-hearing, consideration will be given to factors such as:

- the complexity and importance of the information to be communicated
- the context in which the communication takes place.

Policy Guidelines

Policy guidelines will be developed by government departments to ensure that their agencies, boards, and commissions provide services in a fair and non-discriminatory manner by ensuring effective communication in the delivery of government services to persons who are deaf and hard-of-hearing through the provision of interpreter services. Such guidelines will be established within one year of the effective date of this policy.

Accountability

Ministers/Deputy Ministers are responsible for ensuring that their respective government departments develop policy and procedures that are consistent with the policy and directives contained in the Sign Language Interpreter Services Policy for Deaf and Hard-of-hearing Nova Scotians.

Monitoring

Departments shall review the Interpreter Services Policy of their agencies, boards, and commissions on a periodic basis to ensure compliance with the Sign Language Interpreter Services Policy for Deaf and Hard-of-hearing Nova Scotians.

References

Nova Scotia *Human Rights Act*

Government of Nova Scotia Affirmative Action Policy

Government of Nova Scotia Fair Hiring Policy

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendix

Appendix 2-E: Definitions

Approval date: September 25,1998	***Manual release date: January 9, 2003***
Approved by: Executive Council	***Most recent review:***

Appendix 2-E

Definitions

The following definitions are provided for the understanding and proper implementation of this policy:

AMERICAN SIGN LANGUAGE (ASL)
A visual gestural language with its own linguistic structure and grammar; the language used by most Deaf people in the U.S. and Canada.

COMPUTERIZED NOTE-TAKING
One form of technical assistance provided to persons who are hard of hearing or late deafened. Computer note-takers are commonly used in large-group or educational settings. A hearing person sits beside the hard-of-hearing or late-deafened person and types information verbatim onto a laptop computer. The user of this service then reads the screen as information is being written and is thus able to more fully participate. When a group is relying on this service, information can be projected onto a large overhead screen for all to view simultaneously.

DEAF
In recent years the capital "D" Deaf has emerged as the name preferred by people who identify with, and belong to, a group with a culture distinct from that of non-Deaf people. Like any cultural group, Deaf people have a language and set of social norms, behaviours and folklore that reflect the values of their group.

deaf
When written, "small-d" deaf is becoming more accepted as a reference to a hearing deficit only and detached from any discussion of culture and/or language. One term represents a social-cultural perspective and the other a medical-pathological view.

DEAF-BLIND
Describes a person who is unable to hear and unable to see. However, very few deaf-blind people are both profoundly deaf and totally blind.

HARD-OF-HEARING
A person who is unable to follow a conversation between three or more people without the assistance of a hearing aid.

HEARING IMPAIRMENT
A diagnosed auditory deficit ranging from mild to profound that may or may not respond to medical intervention or amplification and that results in functional limitations in one or more areas of daily living.

INTERPRETATION
The process of changing a message from one language to another, conveying all essential elements of meaning and maintaining dynamic equivalence.

INTERVENOR
A person who provides interpretation, orientation, and mobility services to a person who is deaf-blind.

LATE DEAFENED
Describes a person who becomes deafened later in life due to illness, accident, disease or the normal process of aging.

TRANSLATION
The process of changing a message in a "frozen form" (written, videotape, audiotape) of one language to a "frozen form" of another language.

2.5 PSC Sign Language Interpreter Services Policy for Deaf and Hard-of-Hearing Nova Scotians

Policy Statement

The Public Service Commission is committed to ensuring that persons who are Deaf and hard-of-hearing benefit equally from services offered to the general public and will make reasonable accommodations for the provision of interpreter services.

Definitions

Interpreter services may be provided through a variety of mediums and these are outlined in Appendix 2-F.

Policy Objectives

The purpose of this policy is to ensure reasonable steps are taken to provide services to persons who are Deaf and hard-of-hearing in a fair and non-discriminatory manner through the provision of interpreter services.

Application

This policy applies to all divisions of the Public Service Commission.

Policy Directives

The Public Service Commission will make reasonable accommodation for the provision of interpreter services to ensure effective communication in the delivery of government services to persons who are Deaf and hard-of-hearing.

To ensure effective communication in the delivery of government services to persons who are Deaf and hard-of-hearing, consideration will be given to factors such as:

- the complexity and importance of the information to be communicated
- the context in which the communication takes place.

The Public Service Commission will make reasonable accommodation to provide interpreter services in the job interview process.

Divisions of the Public Service Commission may create and implement their own procedures relating to the provision of interpreter services for Deaf and hard-of-hearing Nova Scotians. Any such procedures will conform with the policy objectives and directives of the Public Service Commission policy.

Agencies, boards, and commissions for which the Minister of the Public Service Commission is responsible shall implement their own policies relating to the provision of interpreter services for Deaf and hard-of-hearing Nova Scotians, if appropriate. Any such policies will conform with the policy objectives and directives of the Public Service Commission policy.

Accountability

The Minister/Deputy Minister is responsible for ensuring compliance with this policy.

Monitoring

The Public Service Commission shall review this policy and any procedures created and implemented by departmental divisions on a periodic basis to ensure compliance with the Government of Nova Scotia Sign Language Interpreter Services Policy for Deaf and Hard-of-Hearing Nova Scotians.

References

Nova Scotia *Human Rights Act*

Government of Nova Scotia Affirmative Action Policy

Government of Nova Scotia Fair Hiring Policy

Government of Nova Scotia Sign Language Interpreter Services Policy for Deaf and Hard-of-Hearing Nova Scotians

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendix

Appendix 2-F: Definitions

Approval date: December 22, 1999
Approved by: Judith Sullivan-Corney, Deputy Minister

Manual release date: January 9, 2003
Most recent review:

Appendix 2-F

Definitions

The following definitions are provided for the understanding and proper implementation of this Policy:

AMERICAN SIGN LANGUAGE (ASL)
A visual gestural language with its own linguistic structure and grammar; the language used by most Deaf people in the U.S. and Canada.

COMPUTERIZED NOTE-TAKING
One form of technical assistance provided to persons who are hard of hearing or late deafened. Computer note-takers are commonly used in large-group or educational settings. A hearing person sits beside the hard-of-hearing or late-deafened person and types information verbatim onto a laptop computer. The user of this service then reads the screen as information is being written and is thus able to more fully participate. When a group is relying on this service, information can be projected onto a large overhead screen for all to view simultaneously.

DEAF
In recent years the capital "D" Deaf has emerged as the name preferred by people who identify with, and belong to, a group with a culture distinct from that of non-Deaf people. Like any cultural group, Deaf people have a language and set of social norms, behaviours, and folklore that reflect the values of their group.

deaf
When written, "small-d" deaf is becoming more accepted as a reference to a hearing deficit only and detached from any discussion of culture and/or language. One term represents a social-cultural perspective and the other a medical-pathological view.

DEAF-BLIND
Describes a person who is unable to hear and unable to see. However, very few deaf-blind people are both profoundly deaf and totally blind.

HARD-OF-HEARING
A person who is unable to follow a conversation between three or more people without the assistance of a hearing aid.

HEARING IMPAIRMENT
A diagnosed auditory deficit ranging from mild to profound that may or may not respond to medical intervention or amplification and that results in functional limitations in one or more areas of daily living.

INTERPRETATION
The process of changing a message from one language to another, conveying all essential elements of meaning and maintaining dynamic equivalence.

INTERVENOR
A person who provides interpretation, orientation, and mobility services to a person who is deaf-blind.

LATE DEAFENED
Describes a person who becomes deafened later in life due to illness, accident, disease, or the normal process of aging.

TRANSLATION
The process of changing a message in a "frozen form" (written, videotape, audiotape) of one language to a "frozen form" of another language.

2.6 Secondment Policy

Policy Statement

The Government of Nova Scotia is committed to using secondments in order to provide career development opportunities for employees and to achieve flexibility in the staffing process to meet the short-term needs of departments.

Definitions

DEPARTMENT

Any department, agency, board, or commission established by the Government of Nova Scotia as defined in Appendix 2-G.

EMPLOYEE

A civil servant employed by the Government of Nova Scotia who is not a bargaining unit employee and whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations.

LENDING ORGANIZATION

The organization where the employee resides prior to the commencement of the secondment.

NON-PUBLIC SERVICE ENTITY

An employer who is not a participating member of the Government of Nova Scotia Public Service Superannuation Plan.

ORGANIZATION

Any department, agency, board, or commission as defined in Appendix A of the General Civil Service Regulations to the *Civil Service Act*, public service entity or any non-public service entity.

PUBLIC SERVICE ENTITY

An employer listed in Appendix 2-G or Appendix 2-H.

RECEIVING ORGANIZATION

The organization where the employee resides during the term of the secondment.

REGULAR POSITION

Employee's position with the lending organization.

SECONDMENT
The voluntary movement of an employee into another job for a period of time of up to two years to undertake duties and responsibilities in accordance with agreed-upon terms and conditions.

SHORT-TERM
Period of time greater than 6 months and less than 24 months.

WORK-FORCE REDUCTION
When the services of an employee are no longer required because of shortage of work or funds or because of the discontinuance of a function or program.

Policy Objectives

A secondment assignment provides a means for facilitating employee professional development and responding to short-term corporate staffing needs for immediate project or program expertise. The goals of the Secondment Policy are to

- efficiently utilize employees with high potential for professional development
- provide an avenue for employees to meet their identified career development needs
- promote line, central agency, and regional experience
- facilitate the exchange of information between departments, other jurisdictions, and private sector
- provide support to departments to meet short-term staffing needs for project or program expertise

Application

This policy applies to all civil servants who are not bargaining unit employees and whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations.

Policy Directives

GENERAL
All departments will actively promote and support the use of secondments. Both the manager and the employee are encouraged to identify secondment opportunities.

A secondment is established through a formal agreement that is signed by the employee and the deputy ministers or designates of the lending and receiving organizations.

A secondment may be within the same department, to another department within the Government of Nova Scotia, to a public service entity, or to a non-public service entity.

SECONDMENT AGREEMENT

Seconded Employees

The deputy ministers or designates of the lending and receiving organizations and the seconded employee must sign a Secondment Agreement in accordance with the template provided at Appendix 2-J. For the protection of all parties and to ensure consistency in the secondment arrangements, all Secondment Agreements involving employees must be submitted to the Commissioner of the Public Service Commission for signature and final approval. An extension of a Secondment Agreement must be prepared in accordance with the Secondment Agreement Extension template found in Appendix 2-K.

Secondment of an Individual Who Is Not an Employee into a Department

Where a department supports a secondment into the department of an individual who is not an employee, the Secondment Agreement template in Appendix 2-J may be used, subject to the requirement that the agreement be amended to remove any reference to the individual being a "civil service employee" for the period of the secondment. If the lending organization has a secondment template, this may be used, subject to the requirement that it reflects the principles of the policy and the government's Secondment Agreement.

METHODS OF SELECTION

There are three main methods of selection for secondments.

- An employee is placed in a secondment opportunity as part of an identified succession management or professional development plan.
- An employee, with approval from his/her manager, is self-nominated for a specific secondment opportunity that relates to the employee's planned and approved professional development.
- A department requests the Human Resources Corporate Services Unit (HR CSU) to coordinate the selection of an employee suitable to undertake the secondment assignment through the normal competitive process.

To the extent possible, secondment opportunities should be posted in the Employment Opportunities Bulletin in order to provide equal opportunity for employees.

DURATION

A secondment should be considered for assignments that are greater than 6 months and less than 24 months in duration. If necessary, an extension may be approved (including beyond the maximum identified above) with the consent of the parties to the Secondment Agreement using the Secondment Extension Template (Appendix 2-K).

EMPLOYMENT STATUS

During the term of the Secondment Agreement, the employee continues to be a civil service employee and maintains the rights and obligations provided to civil servants under the *Civil Service Act* and regulations.

SALARY AND BENEFITS

Salary

Unless otherwise agreed to by both the lending and receiving organizations, the receiving organization is responsible for paying the employee the salary of his/her regular position including any increases the employee would normally be entitled to under the Government of Nova Scotia Compensation System.

Benefits

The receiving organization is responsible to pay the employer's contribution towards all **civil service benefits normally received by the employee. For an employee who is seconded to a non-public service entity, the calculation of benefits is based upon the salary received by the employee in their regular position irrespective of whether the employee is provided with a higher salary during the secondment period (for greater certainty, for the purpose of the *Public Service Superannuation Act* and Section 84 of the regulations made pursuant to the *Civil Service Act*, the employee's salary for the period of the secondment is that which would have been earned if the employee had remained with the lending organization in their regular position).** The employee will continue to earn sick leave, vacation leave and Public Service Award credits at the regular rate in accordance with the provisions of the *Civil Service Act* and regulations.

Position without MCP or Other Excluded Civil Service Classification

If the employee is seconded to a position that has no MCP or other Excluded Civil Service Classification determined for it, the Public Service Commission and receiving organization shall jointly determine the MCP level for the position.

Position for Which Salary Is Higher Than Employee's Current Position
If an employee is seconded to a position that is classified at a higher level and higher level of pay than his or her regular position, the receiving organization will provide the employee with a temporary reclassification in accordance with the *Civil Service Act* and regulations.

Memorandum of Understanding between the Government of Canada and the Government of Nova Scotia for a Developmental Interchange Program
The secondment of an employee to the federal government is governed by the terms of this policy in addition to the Memorandum of Understanding between the Government of Canada and the Government of Nova Scotia for a Developmental Interchange Program and Program Outline (Appendix 2-L).

RECORDING FTES FOR INTERNAL AND EXTERNAL SECONDMENTS

Guidelines for recording FTEs for internal and external secondments within the public service of Nova Scotia will be issued by Treasury and Policy Board

MAINTENANCE OF EMPLOYEE PERSONNEL FILE

The receiving organization will maintain records related to employment of the employee for the duration of the Secondment Agreement. The receiving organization will provide a performance evaluation on the employee periodically and prior to the end of the secondment. The receiving organization will transfer the employment records relating to the employee's secondment to the lending organization (which maintains the Employee Master File) upon completion of the secondment.

TERMINATION OF SECONDMENT

The secondment may be terminated by any of the parties with 30 days' notice to the other parties. Upon termination of the secondment, the lending organization agrees to provide the employee with a position equivalent to and at the same classification and pay level as if the secondment had not been in place. This is subject to the exception that if the lending organization is subject to workforce reductions that would result in the employee being laid off if the employee had not been on secondment, pursuant to this agreement, the employee will at the time of the termination of the secondment, be entitled to the benefits as provided in the *Civil Service Act* and regulations.

Accountability

PUBLIC SERVICE COMMISSION
The Commissioner of the Public Service Commission has responsibility for approving Secondment Agreements involving employees to ensure consistency with the policy requirements.

DEPUTY HEADS
Deputy heads have responsibility for ensuring compliance with the requirements established for secondment arrangements.

HUMAN RESOURCES DIVISIONS/CORPORATE SERVICES UNITS
The Human Resources Corporate Services Units are responsible to assist Departments with arrangements pertaining to a secondment assignment.

SECONDED EMPLOYEE
The seconded employee is responsible to report to and take direction from the Receiving Organization for the period of the secondment.

Monitoring

The Public Service Commission has responsibility for conducting periodic reviews of department practices to determine compliance with the requirements established for secondment arrangements.

References

Civil Service Act and regulations

Public Service Superannuation Act

Government of Nova Scotia Management Manual 500:

- Chapter 2.1, Fair Hiring Policy
- Chapter 4, Classification and Pay
- Chapter 9.1, Performance Management Policy
- Chapter 11.2, Employee Personnel Records Policy

Appendices

APPENDIX 2-G
Departments, Agencies, Boards, and Commissions Established by the Government of Nova Scotia That Participate in the Public Service Superannuation Plan

APPENDIX 2-H
Public Service Entities Participating in the Public Service Superannuation Plan

APPENDIX 2-J
Secondment Agreement

APPENDIX 2-K
Secondment Agreement Extension

APPENDIX 2-L
Memorandum of Understanding between the Government of Canada and the Government of Nova Scotia for a Developmental Interchange Program and Program Outline

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Approval date: ***January 23, 2003***
Approved by: ***Executive Council***

Manual release date: ***February 5, 2003***
Most recent review:

Appendix 2-G

Departments, Agencies, Boards, and Commissions Established by the Government of Nova Scotia That Participate in the Public Service Superannuation Plan

Departments

- Agriculture and Fisheries
- Community Services
- Education
- Energy
- Environment and Labour
- Finance
- Health
- Intergovernmental Affairs
- Justice
- Natural Resources
- Service Nova Scotia and Municipal Relations
- Tourism and Culture
- Transportation and Public Works

Agencies, Boards, and Commissions

- Aboriginal Affairs
- Auditor General
- Communications Nova Scotia
- Emergency Measures Organization
- Executive Council Office
- Freedom of Information and Protection of Privacy Review Office
- Government House
- Human Rights Commission
- Legislative Counsel, House of Assembly
- Nova Scotia Advisory Council on the Status of Women
- Nova Scotia Commission on Drug Dependency
- Nova Scotia Sport and Recreation Commission

Office of Economic Development
Office of the Ombudsman
Premier's Office
Public Prosecution Service
Public Service Commission
Sydney Tar Ponds Agency (NS)
Treasury and Policy Board
Voluntary Planning

Appendix 2-H

Public Service Entities Participating in the Public Service Superannuation Plan

Atlantic Provinces Special Education Authority
Canada-Nova Scotia Offshore Petroleum Board
Capital District Health Authority (former VG and NSH)
Chignecto-Central School Board
Dalhousie University (Dal Tech, School of Nursing)
Eastern Regional Health Board
  (Addiction Services/Public Health Nurses)
District Health Authority 7 (Antigonish)
District Health Authority 8 (Cape Breton)
Municipal Finance Corporation
Northern Regional Health Board
  (Addiction Services/Public Health Nurses)
District Health Authority 4 (Colchester-East Hants)
District Health Authority 5 (Cumberland County)
District Health Authority 6 (Pictou Country)
NS Business Incorporated
Nova Scotia Community College
Nova Scotia Film Development Corporation
Nova Scotia Gaming Corporation
Nova Scotia Legal Aid Commission
Nova Scotia Liquor Corporation
Nova Scotia Innovation Corporation
Nova Scotia Municipal Finance Corporation
Nova Scotia Resources Ltd
Nova Scotia Utility and Review Board
University College of Cape Breton
Waterfront Development Corporation Limited
Western Regional Health Board
  (Addiction Services, Public Health Nurses)
South Shore District Health Authority 1 (SSDHA1)

South West Nova District Health Authority 2 (SWNDHA 2)
Annapolis Valley District Health Authority 3 (AVDHA 3)
Workers' Compensation Board of Nova Scotia
Worker's Compensation Appeal Board of Nova Scotia
World Trade Centre Ltd

Appendix 2-J

Secondment Agreement

The following sets out the agreed terms and conditions for the

Secondment of: ________________________________ ("Employee")

From: Department of ____________________ ("Lending Organization")

To: Department of ____________________ ("Receiving Organization")

1. PURPOSE

The ***Employee*** is seconded to the ***Receiving Organization*** from the ***Lending Organization*** to assume responsibilities as ____________________________.

2. DURATION

It is agreed that the ***Employee*** will assume responsibilities effective on ___________ and that the secondment will continue for____________ (_) months, with provision for extension subject to agreement of all the parties.

3. SALARY AND BENEFITS

It is agreed that for the duration of the secondment, the ***Employee*** will receive the following:

a) A salary of _________________ per annum and any increases the ***Employee*** would normally be entitled to under the Nova Scotia Government compensation system.

b) All benefits accorded to civil service employees, including any changes occurring during the period of the secondment. **If the *Employee* is seconded to a Non-Public Service Entity, the calculation of benefits is based upon the salary received by the *Employee* in his or her regular position irrespective of whether the *Employee* is provided with a higher salary during the secondment period (for greater certainty, for the purpose of the *Public Service Superannuation Act* and Section 84 of the**

regulations made pursuant to the *Civil Service Act*, the *Employee's* salary for the period of the secondment is that which would have been earned if the *Employee* had remained with the *Lending Organization* in his or her regular position).

c) Salary and benefit costs for the ***Employee*** will be paid by the ***Receiving Organization***.

4. EMPLOYMENT RECORDS

The ***Receiving Organization*** agrees to maintain all records related to employment of the ***Employee*** and will provide a performance evaluation on the ***Employee*** periodically and prior to the end of the secondment period. The ***Receiving Organization*** will transfer the employment records relating to the ***Employee's*** secondment to the ***Lending Organization*** (which maintains the Employee Master File) upon completion of the secondment.

5. TERMINATION OF AGREEMENT

a) It is agreed that during the term of this Agreement, the ***Employee*** is a civil service employee employed by the Government of Nova Scotia and maintains the rights and obligations provided to civil servants under the *Civil Service Act* and regulations.

b) The secondment may be terminated by any of the parties with 30 days' notice to the other parties. ***At the termination of the secondment, the Lending Organization agrees to provide the Employee with a position equivalent to and at the same classification and pay level as if the secondment had not been in place, except that if the Lending Organization is subject to workforce reductions that would result in the Employee being laid off if the Employee had not been on secondment pursuant to this Agreement, the Employee will, at the time of the termination of the secondment, be entitled to the benefits as provided in the Civil Service Act and regulations.***

6. CODE OF CONDUCT FOR CIVIL SERVANTS

The ***Employee*** agrees to be bound by the principles and purposes of both the Code of Conduct for Civil Servants established in the Management Manual 500 and the *Members and Public Employees Disclosure Act*, S.N.S., 1991, Chapter 4, as amended (copies attached).

_____________________________ _____________________

Deputy Minister, [***Lending Organization***] Date

_____________________________ _____________________

Deputy Minister, [***Receiving Organization***] Date

_____________________________ _____________________

[***Employee***] Date

_____________________________ _____________________

Commissioner, ***Public Service Commission*** Date

Attachments:

Code of Conduct for Civil Servants
Employee Checklist for Outside Activities
Members and Public Employees Disclosure Act - Parts III and IV

Appendix 2-K

Secondment Agreement Extension

The following sets out the agreed terms and conditions for the extension of the

Secondment of: ____("Employee")

From: Department of __________________________ ("Lending Organization")

To: Department of __________________________("Receiving Organization")

The above parties entered into a Secondment Agreement dated __________, which was effective from ____________ to ____________ (the "original Secondment Agreement"):

The Parties wish to extend the original Secondment because: __________________

____

____.

The Parties agree as follows:

The original Secondment Agreement is extended to ____________________, with all of the terms and conditions of the original Secondment Agreement remaining in full force and effect.

________________________________	________________________
Deputy Minister, [***Lending Organization***]	Date
________________________________	________________________
Deputy Minister, [***Receiving Organization***]	Date
________________________________	________________________
[***Employee***]	Date
________________________________	________________________
Commissioner, ***Public Service Commission***	Date

Appendix 2-L

Memorandum of Understanding Between the Government of Canada and the Government of Nova Scotia for a Developmental Interchange Program

WHEREAS the Parties wish to provide opportunities for development and continuous learning which assists in the maintenance of employee motivation and commitment;

WHEREAS the Parties wish to adopt measures to encourage and facilitate inter-jurisdictional movement of employees;

WHEREAS exchanges of public servants foster the sharing of learning; infuse new perspectives required for innovation and enable better results through the inclusion of broader, more diversified perspectives; and

WHEREAS exchanges of public servants will enhance mobility and provide an invaluable opportunity to develop and diversify expertise.

The **GOVERNMENT OF CANADA (Canada)**, represented by the Clerk of the Privy Council and Secretary to Cabinet and the **GOVERNMENT OF NOVA SCOTIA**, represented by the Deputy Minister of the Department of Human Resources of **NOVA SCOTIA**, hereinafter designated the "Parties", do hereby declare the establishment of the **CANADA/NOVA SCOTIA DEVELOPMENTAL INTERCHANGE.**

I. Purpose

The purpose of the Canada/Nova Scotia Developmental Interchange is to provide a framework through which public servants are temporarily exchanged between the Government of Canada and the Government of Nova Scotia for the mutual benefit of all Parties to develop feeder groups and executive development.

II. Objectives

1. To strengthen and complement existing public service development programs, provide a diversity of experience through challenging on the job assignments;

2. to share expertise between the respective levels of government with the aim of improving knowledge of public sector management;
3. to increase ability to identify ways of working collaboratively and developing partnerships for more effective and efficient service to the public;
4. to enhance inter-jurisdictional mobility within a geographic area.

III. Scope

This agreement applies to all developmental assignments involving exchanges of public servants between the departments and agencies of the respective governments.

IV. Definition

EXCHANGE

Exchange means the assignment of a public servant to one of the governments party to this agreement for a specified period and specified assignment. The exchange does not require a reciprocal or direct exchange of two individuals. Over the course of the agreement, it is expected that there will be reciprocity in the number of exchanges between the two governments.

V. Implementation

The Parties, using the auspices of the Nova Scotia Federal Council supported by the Interchange Canada Program of the Public Service Commission of Canada for the Government of Canada and the Department of Human Resources for the Government of Nova Scotia are responsible for administering and coordinating the implementation of this agreement.

VI. Financing

Each government will continue to pay the salary and employer-paid benefits of its own public servant assigned to the other. Reimbursement of remuneration to the sponsoring organization by the host organization may be determined by the Parties on a case by case basis.

Relocation expenses are shared equally by the two governments, in a manner agreed upon by the Parties. The cost of work-related travel is borne by the host organization.

VII. General Provisions

The Parties agree to actively identify candidates with a profile of their developmental needs, to identify challenging assignments that will ensure development of new skills and to provide the necessary on-the-job orientation, training, and evaluation.

For this purpose, a committee, co-chaired by the Parties with secretariat services provided by the Interchange Canada Program, will meet once a year to review and assess exchanges to date, to evaluate assignments, to identify candidates and assignment possibilities for the coming year and to recommend the necessary adjustments.

VIII. Responsibilities

General responsibilities are enumerated under the attached program outline. Responsibilities of the Parties for each assignment shall be enumerated in an individual letter of understanding.

IX. Duration

This Memorandum of Understanding is for three years from the date it is signed, after which it will be renewed automatically for equivalent periods, unless six months' notice to the contrary is given by either party.

ISSUED in Halifax, this 23 day of July, 1998, in duplicate, in the English and French languages, each version being equally valid.

On behalf of the **Government of Canada**	On behalf of the **Government of Nova Scotia**
Original signed	Original signed
Jocelyne Bougon Clerk of the Privy Council and Secretary to the Cabinet	Judith Sullivan-Corney Deputy Minister Department of Human Resources

Canada/Nova Scotia Developmental Interchange Program

Program Outline

Purpose

The Canada/Nova Scotia Developmental Interchange provides a framework for the temporary exchange of public servants between the federal government and the provincial government of Nova Scotia.

Objectives

i) to strengthen and complement existing public service development programs and to provide a diversity of experience in different areas such as policy development, central agency experience, corporate services, line operations, exposure to the political level through challenging on-the-job assignments;

ii) to share expertise between the respective levels of government with the aim of improving knowledge of public sector management;

iii) to increase ability to identify ways of working collaboratively and developing partnerships for more effective and efficient service to the public; and

iv) to enhance inter-jurisdictional mobility within a geographic area.

Program

MANAGEMENT

The program will be managed jointly by the two parties. For the province, the Department of Human Resources will be the key contact. For the Government of Canada, the Regional Council, supported by the Interchange Program staff of the Public Service Commission, will be the guiding body. Where a provincially sponsored candidate comes to Ottawa for an assignment, the Privy Council Office (PCO) will be the co-ordinating body, in conjunction with the Public Service Commission.

SELECTION CRITERIA

- As the purpose of this program is developmental, in general, candidates will be identified first, although there may be occasions where assignments are identified and a candidate sought.
- When a candidate is identified, there will be a developmental profile written, outlining the kind of experience/training/skills development required and the type of assignment being sought. For example, the candidate may require experience in a line operations function, a policy development role, or a central agency experience.
- Following this, each participating organization will identify assignments for interchanges which might meet the needs of the candidate, but provide value-added resources for the receiving agency.
- Eligibility for the program shall be determined by each participating organization; it is expected that only middle to senior executives or professionals will be selected.
- Negotiation of interchanges will be based upon strategic priorities of the governments and will have clearly stated objectives.
- Each participating organization will identify one person to solicit opportunities from host governments and match participants to same.
- It is not necessary that there be a one-to-one exchange of employees between governments.

LETTER OF UNDERSTANDING FOR INDIVIDUAL ASSIGNMENTS

Once an assignment has been identified, and a candidate selected, an individual letter of understanding will be written, outlining the objectives of the assignment, and the specific terms of the assignment (length, reporting, cost-sharing arrangements).

DURATION

Terms of interchanges will vary as appropriate but will generally be 6 to 24 months.

COSTS

During the interchange period, the sponsoring jurisdiction will continue to pay salary and benefits of their participating employee. Reimbursement of remuneration to the sponsoring organization by the host organization may be determined by the parties on a case-by-case basis.

EVALUATION

To ensure that the program effectively achieves the goals set out for it, and to ensure that those goals remain current, there shall be a two-step evaluation process. First, the host organization and participant will each prepare an evaluation immediately following the completion of the interchange. Secondly, the Regional Council and the Department of Human Resources of Nova Scotia shall conduct a comprehensive review of the entire program after three years.

Implementation

The Public Service Commission of the Province of Nova Scotia and the Regional Council, in consultation with the PSC, for the federal government are responsible for implementing the program. Each partner:

- identifies strategic priories for the program for their level of government;
- matches assignments to nominees and negotiates individual letters of understanding among hosts, sponsors, and participants;
- ensures that participants understand the objectives of their assignments and oversees the conduct of participant orientation programs;
- follows up and monitors assignments throughout and following the assignment period; and
- maintains a fund to reimburse participants' travel and moving expenses (for the federal government, this will be paid by the sponsoring department).

SPONSORING ORGANIZATION

The sponsoring organization nominates individuals to participate in the program. They maintain the participants' employee status, continue their pay and benefit packages, and plan the re-entry of participants to the sponsoring organization so as to maximize benefits to the sponsor from the assignment. After the participant has re-entered the sponsor organization, the sponsor prepares a follow-up evaluation on how the interchange has been of benefit to the organization and the participant.

HOST ORGANIZATION

The host organization develops challenging assignment opportunities in consultation with the sponsor. The host reimburses the sponsor for costs as outlined in the Letter of Understanding. The host provides participants with an effective orientation to the organization and adequate supervision and conducts an annual performance appraisal. At the completion of the assignment, the host submits an evaluation to the sponsor organization.

PARTICIPANT
The participant understands the sponsor's objectives for the assignment and ensures that the assignment meets those needs. The participant maintains regular contact with his/her sponsoring organization and prepares an annual progress report and/or post-assignment report on the achievement of the overall assignment objectives.

Priorities for the Federal Public Service

Priority for selection will be given to federal public servants in the following groups:

i) candidates in the Accelerated Executive Development Program (AEXDP) or Pre-Qualified Pool (PQP) program requiring developmental assignments as determined in their individual learning plans;

ii) participants in the Career Assignment Program (CAP) or Management Trainee Program (MTP); or

iii) candidates nominated by their department in consultation with the Regional Council for developmental purposes.

2.7 Assistant Deputy Minister Policy

Policy Statement

It is the policy of the Nova Scotia Government that the appointment of an assistant deputy minister (ADM) under the *Public Service Act* will only be recommended when deemed necessary to assist in the administration of a large department or a department dealing with many or specific complex issues; only persons appointed under the *Public Service Act* will have the title Assistant Deputy Minister. An assistant deputy minister will be delegated a significant part of the duties of the deputy minister and in the performance of such duties shall exercise all the powers and authority of the deputy minister. Assistant deputy ministers are part of the Government of Nova Scotia's succession management strategy.

Definitions

ASSISTANT DEPUTY MINISTER
A person appointed by the Governor in Council pursuant to Section 84 of the *Public Service Act*.

DEPUTY MINISTERS' COMMITTEE ON RESTRUCTURING
Chaired by the Deputy Minister of the Office of the Premier and comprised of the Public Service Commissioner, the Deputy Minister of Finance, and one other Deputy Minister appointed by the Deputy Minister of the Office of the Premier. The mandate of the Committee is to review departmental proposals for organizational change.

Policy Objectives

i) To create a pool of senior officials with the requisite executive leadership experience and skills to be qualified for consideration for a deputy minister appointment.

ii) To establish a process by which departments may obtain approval to restructure the department to include an assistant deputy minister.

iii) To provide the Governor in Council with appropriate recommendations respecting the appointment of assistant deputy ministers under the *Public Service Act*.

iv) To ensure the appropriate and consistent use of the title Assistant Deputy Minister.

v) To establish the reporting relationships, responsibilities and accountability of persons who are appointed as assistant deputy ministers under the *Public Service Act*.

vi) To establish a pay level for assistant deputy ministers.

Application

This policy applies to all departments, offices, and public service entities.

Policy Directives

A department with a perceived need to restructure the department to include an assistant deputy minister position appointed in the department shall submit a request to the Deputy Ministers' Committee on Restructuring setting out the following

i) the operational needs of the department giving rise to the request

ii) the restructuring proposal including the objectives, proposed organization chart, and any other information and materials as set out by the Deputy Ministers' Committee on Restructuring

iii) the duties of the deputy minister that are proposed to be delegated to the assistant deputy minister - e.g., to administer legislation on behalf of the deputy minister or to manage and direct a portion of the department

iv) professional development opportunity that would be available for an assistant deputy minister.

Where the Deputy Ministers' Committee on Restructuring determines that it is advisable for a department to be restructured to include an assistant deputy minister, the committee will make a recommendation to the Treasury and Policy Board.

Assistant deputy ministers will be appointed by the Governor in Council pursuant to the *Public Service Act*, on the recommendation of the President of the Executive Council and will be designated as deputy heads within the meaning of the *Civil Service Act*.

Reporting to the deputy minister of the department, the assistant deputy minister will be delegated a significant portion of the deputy minister's duties in accordance with the *Public Service Act* and in the performance of those duties the assistant deputy minister will exercise all of the powers and authority of the deputy minister.

In accordance with the *Public Service Act*, there will be no more than one assistant deputy minister per department.

Only those individuals who have been appointed under the *Public Service Act* will have the title Assistant Deputy Minister.

Assistant deputy ministers may be reassigned to another department for the purposes of learning and development or corporate need in the same manner as deputy ministers.

An assistant deputy minister will:

- report directly to the deputy minister
- be accountable to the deputy minister and the Deputy Minister to the Office of the Premier for the results and impact of the programs under their direction
- assume full responsibility for advising the deputy minister, Deputy Minister to the Office of the Premier and the minister on the areas for which the assistant deputy minister has been delegated responsibility
- hold a level of signing authority second only to the deputy minister's for particular areas of departmental operations and priorities
- be authorized to act on behalf of the deputy minister.

The assistant deputy minister pay scale will be the equivalent of the MCP 35 pay scale. Assistant deputy ministers will receive all of the customary benefits of a deputy head. The Pay for Performance for Senior Officials Policy applies to assistant deputy ministers.

Accountability

DEPUTY MINISTERS' COMMITTEE ON RESTRUCTURING

The Deputy Ministers' Committee on Restructuring is accountable to make recommendations to Treasury and Policy Board on restructuring proposals and the need for an ADM position.

PUBLIC SERVICE COMMISSION

The Public Service Commission is accountable to make recommendations respecting the level of compensation of ADMs, appropriate search process, identify potential candidates from within the leadership cadre, facilitate training and development opportunities to expand pool of potential candidates from within the leadership cadre and periodically conduct audits to ascertain compliance with this policy.

DEPUTY MINISTER TO THE PREMIER

The Deputy Minister to the Premier may make recommendation to the Premier on suitable candidates for ADM appointments.

DEPUTY MINISTERS

Deputy ministers are accountable to conduct performance evaluations and recommend performance pay for assistant deputy ministers based on their first hand knowledge of performance as well as consultations with others, including the Premier's Office and appropriate ministers.

Monitoring

The Public Service Commission monitors departmental use of ADM titles and may periodically conduct compliance audits.

References

Public Service Act

Civil Service Act and Regulations

Pay for Performance for Senior Officials Policy

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

Appendix

Appendix 2-M Assistant Deputy Minister (Generic) Job Description

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Approval date:* *July 21, 2004
Approved by:* *Executive Council

Manual release date:* *February 5, 2003
Most recent review:* *October 7, 2005

Appendix 2-M

Management Job Description
Province of Nova Scotia

Job Title:	Assistant Deputy Minister (Generic)		
Department:	Various	**Division:**	
Location:		**Date:**	

PSC USE ONLY

Job Grade:		Job Code:		Effective Date:	
Position #:				PSC Approval:	

I. Overall Purpose

The assistant deputy minister (ADM) is a key contributor who provides advice and support to the deputy minister, recommends and implements government policies, plans strategies, provides leadership within the organization by committing to action the business goals of government and the department, manages several complex issues and responsibilities and operations and contributes to furthering the strategic corporate agenda for government.

II. Specific Accountabilities

- Providing leadership and supporting the deputy minister on cross department initiatives when the initiatives are the profiled goals and strategies of the department.
- Providing strategic options, comprehensive policy advice, briefing papers, recommendations and perspectives to the deputy minister on functions, activities and issues.
- Developing and maintaining partnerships with appropriate public and private sector organizations in the delivery of the division's programs and services.
- Participating as an executive team member providing executive leadership within the organization and furthering the strategic corporate agenda for government.

- The assistant deputy minister is responsible for the effective management of significant fiscal and human resources with the division and /or department.
- Operational responsibility for significant portion of a department or significant complex issues.

III. Reporting Relationships

This job reports to:

- Reporting to the deputy minister, the assistant deputy minister has a Mandate Letter and is evaluated by the deputy minister.

IV. Contacts (Typical)

The usual contacts required in the performance of this job include:

- Internal contacts include the minister, MLAs, senior officials of government, deputy ministers, senior management team of their department and other senior staff in other departments.
- External contacts include various municipal, provincial, and federal governments, stakeholder groups and associations, non-government organizations and the general public.

V. Innovation

The typical creativity and problem solving required in this job include:

- strategic approach on opportunities for innovation and find creative solutions to issues
- using sound leading edge conceptual approaches (e.g., matrix vs. functional organization)
- organizational capacity development for the future
- developing new approaches and questioning existing ones to ensure the most efficient and effective outcomes are achieved.

VI. Decision Making

The usual types of decisions made in this job and the types of problems or decisions that must be referred to a supervisor include:

- The incumbent will have deputy head status for that portion of the department that has been so delegated.
- The incumbent will have responsibility for the day to day implementation of the roles of the position.

- Decisions pertaining to budget and human resource planning, business planning and accountability will be made in consultation with the deputy minister.
- Acts for the deputy minister during absences and exercises all authority of the deputy minister at those times.

VII. Impact of Results

The typical impact of end results produced by this job are:

- Supports the deputy minister by putting to action business goals of government and contributes to furthering the strategic corporate agenda for government.

VIII. Dimensions (Approximate)

- Various with departments.

IX. Working Conditions

Physical Environment: Minimal

Examples:

Physical Effort: Minimal

Examples:

Sensory Attention: Moderate

Examples:

Mental Pressures: Moderate

Examples:

X. Other

Other important information that will assist the reader with a further appreciation of what is typical of this job:

Each assistant deputy minister has a performance contract and is evaluated under the senior officials pay for performance policy.

Those in ADM positions are subject to reassignment or rotation to other departments for purposes of career development and corporate need.

XI. Key Competencies

The following nine key competencies for ADMs are drawn from the competency model *Core Leadership Competency Dictionary*, version 5.0, September, 2002 as established by Hay Group and the Nova Scotia Public Service Commission.

ACHIEVEMENT ORIENTATION

Works to achieve results and improve individual and organizational contribution. Achievement Orientation also involves effectively managing internal and external resources to achieve the Government's goals.

Balances Limited Resources Against Outcomes

- Analyzes for organizational outcomes in order to make decisions, set priorities or choose goals on the basis of calculated inputs and outputs. This includes analyzing both process and people related outcomes.
- Provides leadership in effective management and stewardship of resources.
- Makes decisions that allocate limited resources (time, people, budgetary, etc.) to meet program delivery and/or policy objectives.
- Knows how and when to influence policy development in order to impact policy and delivery outcomes.

CLIENT ORIENTATION

Develops and maintains strong relationships with clients while balancing against the government's key business and strategic priorities.

Uses a Long-Term Perspective/Acts as a Trusted Advisor

- Becomes involved in client's decision-making process, while remaining objective and impartial and upholding the ethical principles of the Government.
- Builds an independent opinion on client needs, problems, or opportunities and possibilities for implementation and may act on this opinion (e.g., recommends approaches which are new and different from those requested by the client).

COMMUNICATION

Shares information/ideas clearly and listens for understanding to promote productive work relationships.

Facilitation

- Works with groups to encourage open discussion of opinion through impartial questioning and clarification that is directed toward a positive outcome.
- Demonstrates sensitivity to audience diversity.
- Uses appropriate techniques to elicit participation and have the group come to agreement on solutions.

DEVELOPMENT OF PEOPLE

Works to develop people's contribution and potential. The focus on the developmental intent and effect rather than on a formal role of training.

Provides In-Depth Mentoring, Coaching, or Training

- Arranges appropriate and helpful assignments, formal training, or other experiences for the purpose of fostering a person's learning and development (May include career pathing or career planning).
- Understands and identifies a training or developmental need and establishes new programs or materials to meet it.
- Actively supports competent employees in seeking lateral and promotional opportunities to further their career.

IMPACT AND INFLUENCE

Implies an intention to persuade, convince, or impress others (individuals or groups) in order to get them to go along with or support the organization's direction.

Uses Indirect Influence

- Uses chains of indirect influence: "get A to show B so B will tell C such-and-such"
- Takes two or more steps to influence, with each step adapted to the specific audience
- Uses experts or other third parties to influence

KNOWLEDGE

Possesses knowledge and professional competence relative to work function.

Expert Knowledge

- Deals with complex, sometimes ambiguous information, revising priorities as necessary.
- Is resourceful in using and adapting specialist knowledge of expertise area to serve client needs.
- Identifies issues and presents recommended solutions, as well as alternatives that can be considered.

LEADERSHIP

The intention to take a role as leader in a team or other group. Leadership involves communicating a compelling vision and embodying the values of the Nova Scotia Public Service.

Positions Self as the Leader & Maintains Focus on Desired Performance

- Sets a good example by personally modeling desired behaviour and establishing norms for group behaviour ("rules of engagement"); takes appropriate action if group norms are violated.
- Holds individuals accountable for results (including meeting budgets, deadlines, and quality requirements).
- Takes action to ensure that others buy into leader's mission, goals, agenda, climate, tone, and policy.
- Provides direction to the organization on emerging public issues and concerns.

PROBLEM SOLVING & STRATEGIC ORIENTATION

The thinking process by which information is used to identify key issues and relationships and to develop plans and solutions to address problems.

Creates New Strategies

- Creates new strategies for the organization using sound leading edge conceptual approaches (e.g., matrix vs. functional organization)
- Uses intellectual curiosity to integrate seemingly unrelated concepts into a coherent, actionable strategy.
- Evaluates a strategic approach within realistic parameters.

TEAM ORIENTATION

Works collaboratively with others to achieve common goals, to be part of a team and work together, as opposed to working separately or competitively.

Works to Build Team Commitment

- Proactively raises difficult issues within the team providing suggestions and support to move forward.
- Acts to promote good working relationships regardless or personal likes or dislikes and builds good morale, cohesiveness and co-operation within the team.

Chapter 3: Affirmative Action

3 Affirmative Action Policy

Policy Statement

The Government of Nova Scotia is committed to providing a workplace that is free of discrimination and promotes equality of opportunity for all persons accessing employment positions within the Government of Nova Scotia.

Definitions

ABORIGINAL PEOPLES

Persons who identify themselves as status Indian, non-status Indian, Inuit, or Métis.

RACIALLY VISIBLE PERSONS

Persons other than Aboriginal peoples who identify themselves as being non-caucasian in race or non-white in colour.

DESIGNATED GROUPS

Aboriginal peoples, racially visible persons, persons with disabilities, and women.

PERSONS WITH DISABILITIES

Persons who, for the purposes of employment, identify themselves or believe that an employer or potential employer is likely to consider them to be disadvantaged due to a long-term or recurring physical, mental, sensory, psychiatric, or learning impairment.

Policy Objectives

This policy is designed to:

- promote equality in the workplace
- assist with the identification and removal of systemic barriers to employment and the advancement of members of the designated groups
- achieve a workforce where the designated groups are equitably represented and distributed.

Application

This policy applies to all civil servants whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations and bargaining unit staff who are employed by the Government of Nova Scotia as identified in the collective agreements between the Nova Scotia Public Service Commission and the Nova Scotia Government Employees Union insofar as the provisions do not conflict with existing collective agreements.

Policy Directives

WORKFORCE SURVEY

A workforce survey form will be provided to new employees upon appointment. The Public Service Commission will maintain the survey results as confidential information.

WORKFORCE PROFILE

The information obtained through the workforce survey will be used to develop a workforce profile of the designated groups.

EMPLOYMENT SYSTEMS REVIEW

Each department, agency, board, and commission will conduct an employment systems review to identify and remove barriers to employment, retention, and advancement for members of the designated groups.

AFFIRMATIVE ACTION PLAN

Each department, agency, board, and commission will develop a three-year affirmative action plan, using information provided in the workforce profile and the results of the employment systems review, that will identify goals and implementation measures designed to improve the representation of the designated groups. These plans will be developed each year for the upcoming three-year period. The plan will be developed in accordance with guidelines established by the Public Service Commission and will include quantitative and qualitative goals and a reasonable timetable for achieving these goals.

AFFIRMATIVE ACTION PROGRESS REPORT

Each department, agency, board, and commission will submit an annual progress report to the Public Service Commissioner regarding the affirmative action plan. This report will be developed in accordance with guidelines established by the Public Service Commission.

COMMUNICATION AND EDUCATION

Each department, agency, board, and commission will provide timely communication and education to departmental employees, as required, to support the goals of affirmative action.

Policy Guidelines

Guidelines will be developed, as required, to assist departments, agencies, boards, and commissions with implementation and administration of the Affirmative Action Policy.

Accountability

PUBLIC SERVICE COMMISSION

Minister responsible for the Public Service Commission

The Minister for the Public Service Commission is accountable to:

- keep the Executive Council advised of Affirmative Action Policy and programs
- table affirmative action progress for the previous fiscal year annually in the Legislature.

Public Service Commissioner

The Public Service Commission is accountable, through the Public Service Commissioner, to:

- enter employee information provided in the workforce survey into the Human Resources Management System
- provide corporate agency reports to departments
- maintain and analyse corporate data on the representation of the designated groups in the civil service
- provide guidance to departments concerning the implementation and administration of the affirmative action policy
- develop and update, as required, hiring policies, procedures, and practices to ensure fair and equitable access to employment and promotion for members of the designated groups
- prepare an annual corporate report on the progress of affirmative action
- consult with the Affirmative Action Joint Committee as deemed appropriate by the Public Service Commissioner on matters pertaining to affirmative action. The joint committee will include representatives of the Public Service Commission and employees of the bargaining units to whom this policy applies.

- appoint a Corporate Review Committee consisting of representatives of the Public Service Commission and employees of the bargaining units to whom this policy applies with a mandate to review departmental action plans, monitor results, and make recommendations for changes and additions to the appropriate departmental Deputy Ministers
- monitor the Affirmative Action Policy and make any changes to the policy as deemed necessary by the Public Service Commission.

DEPARTMENTS, AGENCIES, BOARDS, AND COMMISSIONS

Deputy Ministers

The Deputy Minister of each department, agency, board, and commission is accountable to:

- establish an environment that is supportive of affirmative action
- maintain and analyse affirmative action data on the representation of the designated groups within their organization
- analyse employment systems to identify and remove barriers to employment, retention, and advancement for members of the designated groups
- develop, annually, a three-year action plan in accordance with the guidelines established by the Public Service Commission
- submit a three-year action plan, annually, to the Public Service Commissioner
- ensure that the action plan is implemented and monitor the results of this plan
- annually submit an affirmative action progress report on the affirmative action plan to the Public Service Commissioner.

CORPORATE SERVICES UNITS, HUMAN RESOURCES DIVISIONS

The Directors of Human Resources in the Corporate Services Units, Human Resources Divisions, are required to:

- ensure that all employees are provided with a workforce survey questionnaire
- ensure that employees complete the workforce survey
- return the completed workforce survey questionnaire in a sealed envelope to the Public Service Commission
- ensure that employee information relating to gender is recorded accurately on the Human Resources Management System.

Employees

Employees are required to:

- return the completed workforce survey questionnaire to their Human Resources Division
- support department efforts to improve the representation of designated groups in the workplace.

Monitoring

Departments, agencies, boards, and commissions are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental affirmative action practices to ascertain compliance with this policy.

References

Canadian Charter of Rights and Freedoms

Nova Scotia *Human Rights Act*

Nova Scotia *Civil Service Act* and regulations

Agreement between the Nova Scotia Department of Human Resources and the Human Rights Commission Re: Affirmative Action Plan, August 20, 1997

Collective agreements between the Department of Human Resources and the Nova Scotia Government Employees Union

Government of Nova Scotia Fair Hiring Policy

Government of Nova Scotia Interpreter Services Policy for Deaf and Hard-of hearing Nova Scotians

Enquiries

General Enquries, Public Service Commission (902) 424-7660

Approval date: Octobr 18, 2000

Approved by: Judith Sullivan-Corney, Deputy Minister

Manual release date: January 9, 2003

Most recent review:

Chapter 4:
Classification and Pay

4.1 Classification

Classification of Positions

AUTHORITY

In accordance with the *Civil Service Act*, the Public Service Commission is responsible for the evaluation and classification of positions within the civil service.

DEFINITION

Classification is defined as "a systematic approach of organizing work and appraising jobs in order to establish their relative position in an organization."

Classification is an important support system for personnel administration and is basic to sound wage and salary administration and to the development of rational organizational structures and work relationships. It forms the framework for effective staffing, staff relations, and staff development and the effective use of human resources.

Defining Position Responsibilities

POSITION DESCRIPTION

Since it is the manager who organizes the activity and assigns work to the positions within the area, it is the manager's responsibility to provide a job description, the written record of the work assigned to a position.

For various reasons, work does not remain constant over long periods of time. In order to keep positions current, the classification system requires management to prepare and submit a job description whenever one of the following apply:

- creation of a new position
- deletion from or addition to the duties of a position
- reorganization
- transfer or relocation of a position
- position description not reviewed for at least five years
- changes in technology.

It is the manager's responsibility to describe what work is assigned to the position and to ensure that work is actually being performed. If the duties extracted from, or added to, the job description affect another position, the affected position must also be re-described and submitted for evaluation.

Managers involved in writing position descriptions must become familiar with the following documents:

- Employee Duty List and Guide
- Supervisor's Analysis
- Guide to Preparing Position Descriptions
- Bargaining Unit Job Description Form.

For MCP excluded positions, please see the following documents.

- Position Description Guide—How to Write Your Own
- MCP Position Description Format.

Authorizations

The job description is the official document by which duties are assigned. It must be signed by the appropriate manager and Deputy Minister of the department certifying that these duties are the duties assigned to the position.

Classification Review Procedures

INITIATIVE

Once a position description is signed off by the Deputy Minister of a department, it is forwarded to the Client Services Division of the Public Service Commission, with a covering CSC 10 form, which must outline the reasons for the review request.

POSITION REVIEW/CLASSIFYING

Upon receipt of the CSC 10 package from the department, the review will be assigned to the appropriate Human Resources Consultant. This staff member will take all the steps necessary (e.g., research, examine documents, interview employees, compare to standards, etc.) to ensure that the job is given the proper classification by using our two classification systems: the HAY system for all MCP excluded management positions and the Standards/Benchmark method for bargaining unit jobs.

Classification Appeal

BARGAINING UNIT POSITIONS

There is a classification appeal process for all bargaining unit positions, and it is clearly explained in the collective agreements. The Client Services Division of the Public Service Commission has responsibility for administering this procedure.

MANAGEMENT COMPENSATION PLAN (MCP) POSITIONS

If a deputy head does not accept the evaluation assigned to a non-benchmark position, he/she can appeal the evaluation to the Deputy Ministers' Maintenance Committee.

Evaluations of benchmark positions are done by the deputy's committee, and thus they cannot be appealed.

OTHER EXCLUDED PAY PLANS

There is no classification appeal process for positions covered by these pay plans.

Enquiries

General Enquiries, Public Service Commission	(902) 424-7660

Approval date:	*Manual release date: January 9, 2003*
Approved by:	*Most recent review:*

4.2 Pay

Deferred Salary

Employees on staff prior to April 9, 1989, and certain other employees later appointed to government by municipal transfer, received a Deferred Salary Advance (Pensionable Advance). These employees will have the amount of the advance recovered from their final payment(s) upon termination of employment or from benefits received under the Long Term Disability Plan.

Direct Deposit

Provincial government employees are paid bi-weekly through an electronic transfer of salary to an employee's bank account. This is the employee's only option for means of payment (a mandatory requirement of employment).

Rates of Pay for Bargaining Unit Positions

Rates of pay for bargaining unit classifications are negotiated by the Public Service Commission representing the government and the Nova Scotia Government Employees Union (NSGEU) representing the employees. In determining rates of pay, these parties reach a memorandum of agreement, which is then ratified by the government and the union membership. These rates of pay are found as an appendix in the back of the appropriate collective agreement.

Rates of Pay for Excluded Employees

Except where rates of compensation are established through collective bargaining, the Public Service Commission shall from time to time, as it deems necessary, recommend rates of compensation for classes of positions deemed to be non-bargaining or excluded and may recommend changes in the rates of compensation for classes. These rates are published separately by the Public Service Commission and are available on request from departmental personnel offices.

The rates of compensation recommended by the Public Service Commission become operative only upon their approval by the Governor-in-Council.

Pay Provisions

BARGAINING UNIT EMPLOYEES

The provisions for determining an employee's level of compensation with respect to appointment, reclassification, promotion demotion, and lateral transfer are outlined in the Pay article of the various collective agreements.

INCREMENTS

Public Service Commission, on the recommendation of the head or deputy head of the department, may grant semi-annual or annual increments for meritorious service in accordance with the provisions of the appropriate collective agreement.

EXCLUDED EMPLOYEES (OTHER THAN THOSE IN MCP PAY PLAN)

Outlined in Regulation 15 of the regulations under the *Civil Service Act* are the provisions for determining an employee's level of compensation on appointment, reclassification, promotion, and demotion. Acting pay provisions are outlined in section 6 and in regulations 26 and 27.

PAY PROVISIONS (MCP EMPLOYEES)

Criteria for increments for these employees are the same as above.

Currently, provisions are being developed based on revised regulations to determine an employee's level of compensation on merit pay, appointment, reclassification, promotion, demotion, lateral transfer, and acting pay. Until these are finalized, contact the departmental human resources office.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:

Approved by:

Manual release date: January 9, 2003

Most recent review: April 1, 2001

4.3 Temporary Assignments

Acting Pay: Bargaining Unit Employees

The various collective agreements within the civil service all have provisions for acting pay to compensate employees when they are temporarily filling a higher position. These provisions state:

"Where an employee is designated to perform for a temporary period of three or more consecutive days the principal duties of a higher position he/she shall receive payment of acting pay including the three (3) days equivalent to ten percent (10%) higher than his/her existing rate of pay provided that in no case shall the rate for the period exceed the maximum rate of the higher paying position."

- Acting pay situations arise when an employee is designated to perform the principal duties of a higher paying position because of the temporary absence of the regular incumbent who will be returning to the higher position after the absence.
  - In these circumstances the department inputs the transactions to implement acting pay so the individual will receive the appropriate 10 per cent premium pay
  - The employee remains in his/her regular position while temporarily assigned these duties.
- Acting pay also applies when an employee is designated to perform the principal duties of a higher position that is vacant. The department must receive Public Service Commission approval to fill the vacancy unless the position is subject to the provisions of auto-refill.

ADMINISTRATION PROCEDURES

During the period in which acting pay is being received, union dues will continue to be based on the employee's regular rate of pay and do not include the premium pay. In addition:

- contributions to salary-related benefits (superannuation, long-term disability, group insurance) will continue to be based on the employee's regular rate of pay
- employees being placed in positions under these provisions must generally meet the requirements of the positions to which they are assigned.

If an employee after a period of acting pay is placed in a position on a full-time basis he/she will be rated for the position on a full-time basis in accordance with normal promotional policies.

Acting Pay: Non-Bargaining Employees

The *Civil Service Act* regulations governing acting pay for non-bargaining employees are regulations 26–29.

Currently, provisions are being developed based on revised regulations to determine an employee's level of compensation on merit pay, appointment, reclassification, promotion, demotion, lateral transfer, and acting pay. Until these are finalized, contact the departmental human resources office.

ADMINISTRATIVE PROCEDURES

The employee remains in his/her regular position during the period in which acting pay is being received and is not actually transferred into the position to which he/she is temporarily assigned.

During the period in which acting pay is being received, contributions for salary-rated benefits (superannuation, long-term disability, group insurance) will continue to be based on the employee's regular rate of pay.

Temporary Reclassification Provisions

Temporary reclassification is to be applied in situations where an employee is designated to perform the principal duties of a higher position that is vacant and approved for filling.

Temporary reclassification may be applied in situations where:

a) an employee is being assigned the duties of a higher position during an absence of an incumbent which will exceed six months; and/or

b) the application of the "acting pay" provisions does not adequately reflect the increased level of duties of the position to which the employee is temporarily assigned; and/or

c) the employee's qualifications for the higher position would justify a larger adjustment than that provided through "acting pay".

When temporary reclassification is approved, the employee is actually rated for the higher position and his/her salary will change during the period of the temporary reclassification with all salary related benefits being based on the new salary level.

Approval from the Public Service Commission is required for all temporary reclassifications.

Appointment of Acting Deputy Minister

For purposes of administering personnel matters except for terminations pursuant to the *Civil Service Act*, the appointment of an Acting Deputy Minister is made by the Deputy Minister with the written consent of the Minister.

When the Deputy Minister is absent or where there is a vacancy, the appointment is made by the Minister of the department.

COMPENSATION FOR THE ACTING DEPUTY MINISTER

The manner by which the acting pay is determined will be in accordance with regulations 29 and 31 under the *Civil Service Act*.

Acting pay is not to be provided for situations dealing with normal personnel transactions.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	*Manual release date: January 9, 2003*
Approved by:	*Most recent review: August 24, 2001*

4.4 MCP Pay for Performance Policy

Introduction

The Government of Nova Scotia is committed to providing its Management Compensation Plan (MCP) employees the opportunity to move through their salary ranges based on performance.

Objectives

Pay for Performance is designed to

- motivate and reward good performance
- align an employee's base salary with the achievement of individual objectives that are tied to the business plans and objectives of government

Definitions

AT RISK PAY

Lump sum variable pay, not part of base salary that must be re-earned each year.

COMPA-RATIO

MCP salary ranges are based on a job rate that is considered to be 100 per cent of the salary range. The range minimum is 80 per cent of the job rate, and the range maximum is set at 104 per cent of the job rate. The "Compa-Ratio" is an employee's actual base salary taken as a percentage of the job rate.

CIVIL SERVANT

An employee of the Government of Nova Scotia whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations.

DEMOTION

Movement from a higher level to a lower level MCP job grade.

JOB GRADE

A level in which jobs of the same or similar value are grouped through job evaluation.

LATERAL TRANSFER

Movement from one MCP job to another with an equivalent MCP level.

PROMOTION

Movement from a lower-level to a higher-level MCP job grade.

Application

Pay for Performance (PFP) applies to employees paid according to the MCP pay plan and whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations. Lawyers paid according to the MCP Lawyers Pay Plan are not eligible for MCP Pay for Performance.

Directives

PERFORMANCE MANAGEMENT PERIOD

The performance management period used to determine an employee's eligibility for Pay for Performance is April 1 to March 31 of the previous fiscal year.

ELIGIBILITY

Employees who satisfy the following criteria are eligible for Pay for Performance:

- appointed to an MCP position on or before October 1 of the previous performance period
- had their performance evaluated through the Government of Nova Scotia Performance Management System for the period of time they worked as an MCP employee during the previous performance management period
- have worked for a minimum of six months with pay as an MCP employee during the performance period.

EFFECTIVE DATE OF PAYMENT

Pay for Performance that results in an increase to base salary (compa-ratio) is paid bi-weekly to employees effective April 1 of the fiscal year immediately following the performance period on which the pay for performance award is based.

SIZE OF INCREASE

The size of the Pay for Performance increase for eligible employees is determined using the Guide Chart developed by the Public Service Commission and working within the appropriate budget envelope. See Appendix 4-A for the Guide Chart.

PROMOTION

An employee promoted on or before October 1 of the performance period may be eligible for Pay for Performance the following April 1. All performance management results from the performance period shall be considered.

DEMOTION

An employee who accepts a demotion to a lower-level MCP position during a performance period may be eligible for Pay for Performance the following April 1, provided the eligibility criteria are satisfied and the performance management documentation for all former positions occupied during the 12-month performance period indicate a minimum of competent performance.

LATERAL TRANSFER

Since there should be no increase to an employee's compa-ratio through lateral transfer, an employee who moves from one position to another at an equivalent MCP level is eligible for Pay for Performance the following April 1 provided there has been no change to the employee's compa-ratio.

PRESENT INCUMBENT ONLY

An employee paid in a salary range above the established range for a job and who has present incumbent only status is eligible for Pay for Performance provided the eligibility criteria are satisfied.

RED CIRCLE

An employee paid above the regular salary range for their job and whose rate of pay has been red circled is ineligible for Pay for Performance. However, a red-circled employee who has demonstrated superior or distinguished performance as determined through the Government of Nova Scotia's Performance Management System, may be eligible to receive at-risk pay. The at-risk pay component is calculated using the maximum of the approved salary range for the job. This amount does not become part of an employee's base salary and must be re-earned each year.

NO LONGER MCP

Forfeits Payment

Anyone who ceases to be a civil servant paid according to the MCP pay plan forfeits any future Pay for Performance or at-risk pay effective the date of departure.

Leaves Prior to Payment

Anyone who leaves the Civil Service prior to Pay for Performance being paid and who satisfies both the eligibility criteria and was a civil servant paid according to the MCP pay plan as of March 31 of the previous performance period, may apply to receive Pay for Performance prorated from April 1 to the date of their departure.

Application and Timing

Those who leave prior to payment must submit a written application to their former Human Resources Division by March 31 of the fiscal year that pay for performance is paid. Anyone who does not meet this time line forfeits any pay for performance for which they were previously eligible.

PRIOR APPOINTMENT

A former non-Civil Service appointment may be used to assess an employee's eligibility for Pay for Performance if

- this former service is not as a civil servant but the employee was paid according to the MCP pay plan
- the previous service was on a full-time basis in the same or similar position with the same department, agency, board, or commission
- this service is during the relevant performance period
- there is no break in service between the Civil Service appointment and the non-Civil Service appointment
- there is no resulting employee compa-ratio change between the former and Civil Service appointments.

No retroactive payments will be paid prior to the fiscal year immediately following the employee's Civil Service appointment.

TEMPORARY ASSIGNMENT

If an MCP employee is temporarily reclassified to a higher job grade in a performance period, the employee is eligible for Pay for Performance the following April 1, provided the eligibility criteria are satisfied. The PFP adjustment is added to the employee's compa-ratio for their regular position effective the following April 1. If the employee remains in the temporary classification beyond the following April 1, the compa-ratio of the temporary position is adjusted effective April 1, by a compa-ratio equivalent to that added to the regular position.

SECONDMENT

Secondment within the Civil Service

An employee seconded within the Nova Scotia Civil Service is eligible for Pay for Performance per the relevant sections of this policy.

Secondment outside the Civil Service

An employee seconded outside the Civil Service who returns to the position they held immediately before the secondment may have their compa-ratio adjusted on their return to their former position provided the requirements of this policy have been satisfied, and the employee's performance was evaluated during the secondment in a matter consistent with the Government of Nova Scotia's Performance Management System.

Any adjustments to an employee's compa-ratio upon their return would be made according to the relevant Government of Nova Scotia PFP Guide Charts, not according to salary increases received at the host organization.

BENEFITS

The regular employer and employee benefit contributions and statutory deductions apply to Pay for Performance incremental increases. However, for at-risk pay, only statutory deductions and employee and employer pension contributions apply.

INCREMENT DATE

For the purpose of determining the initial increment date, the anniversary date of an MCP employee shall be deemed to be either

- the first day of April of the next fiscal year if the employee reports for duty on or before October first, or
- the first day of April of the second fiscal year if the employee reports for duty after October first.

An employee's increment date will change to April 1 of the following (second fiscal) year if one of the following applies:

- an employee is promoted after October 1
- an increment has been deferred due to unsatisfactory performance
- an employee has not worked a minimum of six months with pay in the performance period.

For the purpose of determining the increment date as it relates to **Prior Appointment**, the increment date shall be deemed to be the following April 1 after the Civil Service appointment provided the eligibility criteria have been satisfied.

Guidelines / Procedures

Guidelines and procedures may be developed as required to assist departments, agencies, boards, and commissions with implementation and administration of the MCP Pay for Performance program.

Accountabilities

PUBLIC SERVICE COMMISSION

The Public Service Commission is accountable to

- conduct annual compensation planning for pay for performance
- recommend to Cabinet as part of the annual budget process an amount for pay for performance
- evaluate the effectiveness of the Pay for Performance program and make any changes to the policy, guidelines, or procedures as necessary
- provide advice and guidance to Human Resources Divisions
- periodically conduct audits to ascertain compliance with this policy.

DEPARTMENTS, AGENCIES, BOARDS, AND COMMISSIONS

The Deputy Head of each department, agency, board, and commission is accountable to

- ensure that Pay for Performance is administered in accordance with this policy and any guidelines or procedures developed by the Public Service Commission
- ensure that pay for performance expenditures do not exceed the pay for performance budget allotted for their department, agency, board, or commission
- ensure that every manager has all necessary performance appraisals completed that are needed to support the Pay for Performance system.

CORPORATE SERVICES UNITS, HUMAN RESOURCES DIVISIONS

The Directors of Human Resources are accountable to

- review pay for performance information provided by managers to ensure compliance with this policy and Pay for Performance guidelines
- maintain pay for performance and the supporting performance management information within each MCP employee's personnel file
- where an MCP employee transfers to another Civil Service position outside the CSU and where this transfer occurs during a performance period, ensure that the new Human Resources Division receives a copy of the performance management evaluation for the relevant performance period
- ensure that when an employee transfers during a performance period the performance management evaluation for the former position is provided to the employee's new manager
- provide guidance and advice to managers and employees on pay for performance
- administer Pay for Performance in accordance with this policy and any guidelines or

procedures developed by the Public Service Commission

- ensure the accuracy of and enter pay for performance adjustments for employees into the Human Resources Information/Management System once the Deputy Head has recommended the pay for performance adjustments
- provide the Public Service Commission with timely access to files for auditing purposes
- request direction from the Public Service Commission to deal with any pay for performance issues that may arise that are not dealt with in this policy or supporting guidelines.

MANAGERS OF MCP EMPLOYEES

Managers of MCP employees are accountable to

- establish annual performance targets for MCP staff and evaluate the employee's performance against these targets at the end of the fiscal year or sooner if the employee or manager leaves their job
- provide each complete performance evaluation to their Human Resources Division in a timely fashion and in accordance with the time lines that may be developed to support this policy
- assess each employee's eligibility for receipt of pay for performance according to the terms and conditions of this policy.

Where an MCP employee has a demotion, lateral transfer, or temporary assignment during a performance period, the manager conducting the performance evaluation and pay for performance assessment at the end of the performance period shall consider all the employee's performance management information from other positions held during that performance period.

Monitoring

Departments, agencies, boards, and commissions are responsible to comply with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental pay for performance practices to ascertain compliance by departments with this policy.

References

Nova Scotia Civil Service Act and Regulations

Performance Management Policy and Guidelines

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendices

Appendix 4-A - Pay for Performance Guide Chart

***Approval date:* July 17, 2002**
***Approved by:* Public Service Commissioner**

***Manual release date:* January 9, 2003**
***Most recent review:* September 17, 2003**

Appendix 4-A

Pay for Performance Guide Chart

Please contact your Human Resources Division for the current years' Pay for Performance Guide Chart.

4.5 Pay for Performance for Senior Officials

Policy Statement

The Government of Nova Scotia is committed to providing its senior officials with the opportunity to move through their salary ranges based on performance and, as well, to earn performance pay beyond the maximum level for the salary range on an "at-risk" basis.

Objectives

- To put in place a Pay for Performance plan for senior officials that acts as an effective incentive to, and provides a recognizable reward for, good performance, increasing the efficiency and quality of government services and better ensuring that government is able to meet its strategic agenda.
- To bring the compensation levels for senior officials to market-based levels in order to assist with recruitment and retention of quality staff in these critical positions.

Definitions

AT-RISK PAY

An amount payable and re-earnable annually, based on performance during the performance measurement period.

COMPA-RATIO

Salary ranges are based on a job rate that is considered to be 100 per cent of the salary range. The range minimum is 80 per cent of the job rate, and the range maximum is set at 104 per cent of the job rate. The "compa-ratio" is an employee's actual base salary taken as a percentage of the job rate.

CONTRACT EMPLOYEE

An employee whose terms and conditions of employment, including salary, are based on a written contract of employment. These terms and conditions may be the same as, or differ from, the standard terms of employment for regular employees.

LATERAL TRANSFER

Movement from one job to another with an equivalent job grade level.

PERFORMANCE MEASUREMENT PERIOD
The two six-month periods from April 1 to September 30 and October 1 to March 31 during which performance will be assessed.

PRESENT INCUMBENT ONLY
Applies only to the individual currently in the position.

PROMOTION
Movement from a lower level to a higher level job grade.

SENIOR OFFICIAL

- deputy ministers
- Associate Deputy Minister of Health
- Assistant Deputy Minister of Communications Nova Scotia
- Assistant Deputy Minister of Community Services
- Assistant Deputy Minister of Environment and Labour
- Assistant Deputy Minister of Finance
- Assistant Deputy Minister of Health
- Assistant Deputy Minister of Office of Health Promotion
- Assistant Deputy Minister of Service Nova Scotia and Municipal Relations
- Assistant Deputy Minister of Treasury and Policy Board
- Public Service Commissioner
- Chief Executive Officer of the Office of Aboriginal Affairs
- Chief Executive Officer of the Office of Economic Development
- Chief Executive Officer of the Office of the Sydney Tar Ponds Clean-up Project

Application

This Pay for Performance plan applies to employees paid according to the senior officials' pay plans and whose terms and conditions of employment are set out in accordance with the *Civil Service Act* and regulations or as defined by Order-in-Council.

For senior officials who are contract employees, the terms of the contract will supercede the provisions of this policy.

All Pay for Performance payments made to senior officials pursuant to this policy shall be published on the Treasury and Policy Board public website. Acceptance of a payment pursuant to this policy signifies agreement to the publication of Pay for Performance amounts.

Directives

PERFORMANCE MANAGEMENT PERIOD

The performance management period used to determine an official's eligibility for performance pay is the province's fiscal year of April 1 to March 31.

ELIGIBILITY

Senior officials whose salaries exceed the maximum of the current deputy minister salary scale plus the maximum allowable incentive bonus of 15 per cent of scale maximum are not eligible to receive an incentive bonus until such time as the annual maximum payout possible exceeds their current salaries.

Officials who satisfy the following criteria are eligible for incentive pay:

- have worked for a minimum of six months as a senior official during the fiscal year, and/or three months in any performance measurement period
- had their performance evaluated through the Government of Nova Scotia Performance Management System for the period of time worked in the performance measurement period.

LEVEL OF PERFORMANCE PAY

The maximum allowable annual payout, based on performance, will be 15 per cent of the current top rate of the DM, CEO, and ADM salary scales.

The size of the Pay for Performance increase for eligible employees is based on evaluated performance and is determined using the Guide Chart (Appendix 4-B) developed by the Public Service Commission and Treasury and Policy Board and working within the appropriate budget allocation.

PERFORMANCE CRITERIA

Performance pay increments are to be based on a combination of corporate (government), departmental, and individual performance with a maximum weighting of 40 per cent, 40 per cent, and 20 per cent (of the total earnable amount) respectively.

Corporate performance

- Has the government met its objectives related to fiscal expenditures and own-source revenues?
- Has government achieved its policy agenda?

Departmental performance

- Has the department met its financial targets and operated in a financially responsible manner?
- Has the department achieved its business plan priorities?

Individual performance

- Has the individual exhibited strategic leadership?
- Has the individual exhibited good management of his/her organization?
- Has the individual developed effective working relationships with stakeholders, colleagues, and ministers?
- Has the individual operated according to public service values, including ethical behaviour as demonstrated by achievements and outcomes that clearly contribute to both the department and the government meeting their goals and objectives?

PERFORMANCE LEVELS

There are four performance levels:

Unsatisfactory - does not meet the minimal acceptable level of performance for any of the targets and objectives set.

Minimal acceptable - achieves an acceptable level of performance for the majority of targets and objectives set.

Expected performance - achieves an acceptable level of performance for all of the targets and objectives set.

Superior performance - exceeds the majority of the targets and objectives set.

CONDITIONS

In order for performance pay to be triggered, the government must meet "expected performance" levels against all the targets and objectives set.

Similarly, in order for any portion of the department's 40 per cent or the individual's 20 per cent to be triggered, "expected performance" levels must be met.

Failure to achieve at least "minimal acceptable" in department and individual levels will result in no payout.

To achieve the maximum payout of 15 per cent, government, departmental, and individual objectives must all demonstrate "superior performance."

In cases where an individual has not reached the maximum of his/her salary scale (compa-ratio of 104 per cent), performance pay increments will be split, with half being applied to base salary in order to increase the employee's compa-ratio and the other half being awarded as an "at-risk" re-earnable bonus.

EFFECTIVE DATE OF PAYMENT

Performance against objectives will be reviewed at the end of each six-month performance measurement period (September and March), with any performance pay warranted to be paid out subsequent to the measurement period once all performance results are known. An individual must be currently employed by the province in order to be eligible to receive the payouts. Employees who meet the requirements to receive a Pay for Performance increment, but retire prior to the payout date, remain eligible for a pro-rated portion of the payment.

PROMOTION

An employee promoted to the senior official level will be eligible for performance pay and if he/she worked a minimum of three months of a performance measurement period or six months during the fiscal year will have that performance pay pro-rated and applied to the next full performance period subject to sections **Eligibility** and **Effective Date of Payment** above.

LATERAL TRANSFER

Since there normally would be no increase to a senior official's compa-ratio through lateral transfer, an official who moves from one position to another at an equivalent level is eligible for a Pay for Performance increment in the same manner they would have been if the transfer had not occurred.

ACTING PAY

In the event that an employee is appointed to a senior official position in an "acting" capacity, he/she will be eligible to receive "acting pay" in the position subject to sections **Effective Date of Payment** and **Promotion** above. The amount of the payment will be based on the salary level for the position and the job content assigned to the incumbent.

BENEFITS

The regular employer and employee benefit contributions and statutory deductions apply to Pay for Performance incremental increases within the salary range. However, for the "at-risk" portion, only statutory deductions and employee and employer pension contributions apply.

PERFORMANCE PAY PAYMENT DATE

For the purpose of determining the initial payout date, the anniversary date of a senior official will be deemed to be one of the following:

- October 1 of the fiscal year if the incumbent was appointed to a senior official position any time between April 1 and the end of September; or
- April 1 of the next fiscal year if the appointment was after October 1.

An employee's payout date will change to the subsequent payout date if one of the following applies:

- Payout has been deferred due to unsatisfactory performance; or
- An employee has not worked a minimum of three months with pay in the performance measurement period.

For the purpose of determining the payout date, the date will be established according to the provisions for determining the initial payout date as stated above.

Guidelines/Procedures

Guidelines and procedures will be developed as required by the Public Service Commission and the Treasury and Policy Board for implementation and administration of the Pay for Performance program for senior officials.

Accountabilities

PUBLIC SERVICE COMMISSION

The Public Service Commission is accountable to

- conduct annual compensation planning for pay for performance
- recommend through the annual budget process, an amount for pay for performance
- evaluate the effectiveness of the Pay for Performance program and, in conjunction with Treasury and Policy Board, make any changes to the policy, guidelines, or procedures as necessary
- provide advice and guidance to the Deputy Minister to the Premier
- periodically conduct audits to ascertain compliance with this policy
- provide pay for performance results and arrange for payment.

DEPUTY MINISTER TO THE PREMIER

The Deputy Minister to the Premier is accountable to

- establish performance targets and confirm these targets through mandate letters to the senior officials
- conduct performance evaluations and recommend performance pay for deputy ministers and CEOs, based on first-hand knowledge, as well as through consultation with others, including the Premier and appropriate ministers

- recommend performance pay for assistant and associate deputy ministers based on recommendations and evaluations done by the appropriate deputy minister
- provide the Public Service Commission with timely access to files for auditing purposes
- request direction from the Public Service Commission to deal with any Pay for Performance issues that may arise that are not dealt with in this policy or supporting guidelines
- maintain pay for performance and the supporting performance management information within each senior official's personnel file
- ensure that pay for performance is administered in accordance with this policy and any guidelines or procedures developed by the Public Service Commission
- ensure that those responsible have completed all performance appraisals that are needed to support the Pay for Performance system
- consult with government to determine whether corporate objectives have been met or exceeded.

DEPUTY MINISTERS

The deputy ministers are accountable to conduct performance evaluations and recommend performance pay to the Deputy Minister to the Premier for assistant and associate deputy ministers based on first-hand knowledge as well as through consultation with others, including the Premier's Office, and appropriate ministers.

Monitoring

The Treasury and Policy Board is responsible for ensuring compliance with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental Pay for Performance practices to ascertain compliance.

References

Nova Scotia Civil Service Act and regulations
Performance Management Policy and Guidelines
Order-in-Council OIC 2002-329

Enquiries

Executive Council Operations, Treasury and Policy Board
(902) 424-6614 or (902) 424-5463

Appendix

Appendix 4-B: Pay for Performance Guide Chart

***Approval date:* July 11, 2002**	***Manual release date:* February 10, 2003**
***Approved by:* Governor-in Council**	***Most recent review:* October 7, 2005**
Public Service Commissioner	
Deputy Minister, Treasury & Policy Board	

Appendix 4-B

Pay for Performance Guide Chart

Shaded areas represent pay for performance possibilities.

Level	Government 40%	Departmental 40%	Individual 20%	Total
Unsatisfactory				
Minimal acceptable				
Expected performance	▨	▨	▨	▨
Superior performance	▨	▨	▨	▨

5.1 Hours of Work

Hours of Work

Employees in the civil service work a minimum of 35 hours per week, exclusive of meal break. An employee may be required to work in excess of this amount, depending on the routine of the employee's work. For those positions that are required to work in excess of 35 hours per week, consult the appropriate collective agreement or Appendix B of the regulations under the *Civil Service Act*.

Flexible Hours

Subject to the appropriate collective agreement or the regulations under the *Civil Service Act*, the deputy head may vary the actual hours of work for employees, depending on the operational requirements of the department.

Experiments with flexible work hours should take place only in those situations where the operational requirements and efficiency permit and where the deputy head is satisfied that a sufficient number of employees have requested and wish to participate in such an experiment.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:

Approved by:

Manual release date: January 9, 2003

Most recent review:

5.2 Holiday Entitlement

Holidays

Designated holidays, in accordance with the provisions of various collective agreements and the regulations under the *Civil Service Act*, are as follows.

New Year's Day
Good Friday
Easter Monday
Victoria Day
Canada Day
Labour Day
Thanksgiving Day
Remembrance Day
Christmas Eve (1/2 day beginning at 12:00 Noon)
Christmas Day
Boxing Day
One additional day—See **Additional Holiday**

Holiday Coinciding with a Day of Rest

If the date of a designated holiday coincides with an employee's day of rest, a day in lieu of the holiday will be granted on either:

- a working day immediately following the day of rest
- a day following an employee's annual vacation
- another day that is mutually acceptable to the deputy head and the employee.

Additional Holiday

The additional holiday will be taken on a day that, in the opinion of the Public Service Commission, is recognized as a provincial or civic holiday in an area in which the employee is employed. If there is no such recognized holiday in the area, the holiday will be taken on the first Monday in August.

Holiday Coinciding with Paid Leave

When a designated holiday falls within an employee's period of paid leave, it will not count as a day of leave.

Premium Pay for Work on a Holiday

Premium pay will be paid for work on holidays. For details, see the relevant article under the collective agreements or the regulations under the *Civil Service Act.*

Absence without Pay before and after a Holiday

If an employee is absent without pay on both the working day immediately before and the working day immediately after the designated holiday, he/she will not receive pay for the holiday.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: ***January 30, 2003***
Approved by: ***Public Service Commissioner***
Manual release date: ***January 9, 2003***
Most recent review: ***January 15, 2003***

5.3 Overtime

Definition

Overtime is defined as authorized work in excess of an employee's regular work day or regular work week. It is to be used only for exceptional or unforeseen circumstances.

It is the responsibility of the manager to ensure that overtime is properly authorized in accordance with departmental procedures in order for employees to qualify for compensation.

Not Eligible for Overtime Compensation

The following positions are not eligible for overtime compensation:

Medical Services Classification and Pay Plan (MS)
Pathologists and Specialists Pay Plan (PS)
Education Classification and Pay Plan (EDC)
Positions in the Management Compensation Plan (MCP) unless otherwise indicated.

Eligible for Overtime Compensation

The following positions are eligible for overtime compensation:

Administrative Support Classification and Pay Plan (AS)
Clerical and Related Classification and Pay Plan (CL)
Health Services "A" Classification and Pay Plan (HSA)
Health Services "B" Classification and Pay Plan (HSB)
Health Services "N" Classification and Pay Plan (HSN)
Maintenance and Operational Services Classification and Pay Plan (MOS)
Professional and Related Classification and Pay Plan (PR)
Service Classification and Pay Plan (SE)
Technical Classification and Pay Plan (TE)

PR employees and those in TE previously excluded from premium overtime, are now eligible for premium overtime, effective June 2, 2002.

Compensation

An employee may be compensated for overtime with pay or compensating time off. Refer to the relevant collective agreement or regulations under the *Civil Service Act* for particulars.

If an employee is required to work overtime on other than his/her regular duties, he/she may be compensated for overtime worked at the rate applicable to the duties performed.

Meal Allowance

An employee required to work overtime may be eligible for a meal allowance. Refer to the relevant collective agreement or regulations under the *Civil Service Act* for details.

Equitable Allocation and Advance Notice

Subject to operational requirements the deputy head will:

- allocate overtime work on a fair and equitable basis among the qualified employees who are available
- give adequate advance notice to employees who are required to work overtime.

Departmental Overtime Records

Each department will maintain a record of overtime worked by all employees, including management and confidential exclusions, as well as those in bargaining units. The record will show whether compensation for overtime worked was by pay or compensating time off.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: December 30, 2002
Approved by: Public Service Commissioner

Manual release date: January 9, 2003
Most recent review: December 13, 2002

5.4 Job Sharing

Policy Statement

The Government of Nova Scotia, through the Public Service Commission, is committed to the concept of employee-initiated job-sharing arrangements, where operational requirements permit and provision of services is not adversely affected.

Conditions of Job Sharing

An employee wishing to job-share should first discuss the matter with his/her immediate supervisor. Job-sharing arrangements will be authorized only:

- where operational requirements permit
- where the provision of services is not adversely affected
- where there is no increase in costs to the employer other than for benefits detailed below and as provided in the collective agreement.

Eligibility

In order to qualify for job sharing:

- both employees must have completed their probationary period
- one must be the incumbent of the position to be job-shared
- both employees must be suitably qualified and capable of carrying out the full-time duties and responsibilities of the position to be job-shared.

Responsibility of the Employee

Job sharing will be initiated only when jointly requested by the participating employees.

An employee wishing to job-share should first discuss the matter with his/her manager. If it is determined that job sharing is a possibility, the employee must find another permanent employee who possesses the qualifications of the job to be shared and who is willing to enter into the job-sharing arrangement. This employee should also discuss the proposed arrangement with his/her manager as soon as possible.

The two employees will then submit a job-sharing application form to their respective managers.

Responsibility of the Host Department

On presentation of a job-sharing application form, the host department will interview the proposed incoming candidate to determine suitability.

If the candidate is found not to be suitable, the application may be denied. The departmental employee wishing to job-share will then be advised that a fresh application involving another candidate may be presented.

If the candidate is found to be suitable, the application and contract are to be submitted to the Corporate Services Division of the Public Service Commission.

Term of Job-Sharing Arrangement

Positions will be job-shared for a minimum of one year and a maximum period of two years. Any extension of this period must be mutually acceptable to both employees, the employer, and the union.

At the end of the job-sharing arrangement, the employees will resume the full-time positions they held prior to the job-sharing arrangement.

Hours of Work

Each employee will fulfil one-half of the full-time work schedule averaged over a maximum of two complete bi-weekly pay periods. A greater averaging period must have prior approval of both the employer and the union.

The employee's regular work day or work week will be the hours scheduled in the job-sharing agreement. The employee's rest day will be a day on which the employee is not scheduled to work.

Time worked by an employee outside of the scheduled hours of work will be compensated as overtime in accordance with the collective agreement, with the employee's bi-weekly rate being determined on the basis as if the employee was working the normal full-time hours associated with the job-shared position.

Benefits

VACATION

One-half of the normal entitlement.

HOLIDAYS

One-half of the normal entitlement, subject to the approved work schedule contained in the job-sharing contract.

GENERAL ILLNESS
One-half of the normal entitlement, to a maximum of nine days.

SHORT-TERM ILLNESS
One-half of the normal entitlement, to a maximum of 50 days at the appropriate full-time salary level.

LONG-TERM DISABILITY
During the job share, employer/employee contributions to the long-term disability fund continue to be based on salary then received. At the expiry date of the job share, coverage is based on normal salary received prior to the job share.

OTHER PAID LEAVES
One-half of the normal entitlement.

GROUP LIFE ASSURANCE
Cost sharing of premiums and benefits based on one-half normal full-time salary.

MONTHLY ALLOWANCES/PREMIUMS
One-half of the normal entitlements.

SUPERANNUATION
Employees continue to be covered by the *Public Service Superannuation Act.* Service credits are based on one-half month's service per calendar month, and pensionable earnings are based on gross salary received for period of pensionable service earned.

SERVICE DATE
One-half month's service for each month of the job-sharing arrangement. For the purposes of determining merit or vacation entitlement, same as if employee worked full time.

Termination of Job-Sharing Agreement

Job-sharing arrangements terminate upon completion of the agreed-upon term, with the following conditions:

- If either participant or the employer wishes to terminate the job sharing before the agreed-upon term, at least 60 calendar days written notice is required.
- If both employees wish to extend the job-sharing arrangement beyond the agreed-upon term or beyond two years, at least 60 calendar days written notice is required.

- If one of the participants vacates the job-sharing position (through termination of employment, appointment to another position, long-term disability), the arrangement is terminated, and the remaining participant reverts to full-time status, unless alternative arrangements can be made and are approved by employer and union.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: ***January 30, 2003***
Approved by: ***Public Service Commissioner***
Manual release date: ***January 9, 2003***
Most recent revision: ***January 21, 2003***

Chapter 6: Pension and Insurance

6.1 Public Service Superannuation Act

Under review.

6.2 Retirement Documentation

Under review.

6.3 Other Retirement Considerations

Under review.

6.4 Nova Scotia Government Consolidated Health and Dental Plan

Introduction

The Nova Scotia Government Consolidated Health and Dental Plan is administered by the Payroll Division of the Department of Finance. The plan is a condition of employment for all eligible persons unless evidence acceptable to the Minister of Finance indicates that the person is covered by another health plan.

Note: The following is not a definitive statement on the benefits provided by the Consolidated Health and Dental Plan. For specific benefit details it is necessary to refer to the master contract with the Insurer.

Hospital Benefits

The plan pays for hospital accommodation charges in excess of the basic ward rates up to the semi-private level. If a private room is occupied, the plan will provide payment at the semi-private room level.

The plan pays for the cost of licensed professional ground ambulance services to or from the nearest hospital able to provide the care required.

Extended Health Benefits

Eligible expenses include nursing services, medical equipment, medical prosthesis, medical supplies, oxygen supplies, orthotic devices, vision care, paramedical practitioners, etc.

Note: This is not meant to be an all-inclusive list. Expenses are subject to the terms of the contract.

The plan also provides out-of-province travel benefits. Travel benefits will be extended to subscribers beyond age 65, provided they remain actively employed.

Prescription Drug Benefits

Subscribers are issued a subscriber identification card upon enrolment in the plan, which entitles the subscriber and eligible dependents to obtain prescription drugs under the plan. The card must be presented at the time of having a prescription filled and a $3 co-payment toward the cost of each prescription must be paid to the pharmacist at the time the prescription is filled.

The following are not covered by the plan:

- proprietary and patent medicines and other prescriptions routinely purchased without prescription
- medical and first aid supplies
- contraceptive devices and preparations (except oral contraceptives)
- dietary supplements
- drugs obtained while hospitalized
- fertility drugs
- drugs determined to be non-therapeutic or not medically necessary
- charges for delivery services, completion of forms, or other auxiliary services

Dental Benefits

The plan provides for dental services as set out in the contract. Payment is based on the dentist's usual charges up to amounts specified in the provincial dental association fee schedule for general practitioners, as approved by Atlantic Blue Cross Care. Part-time employees are not eligible for dental benefits.

Services covered at 100 per cent are:

- diagnostic
- oral surgery
- adjunctive dental services
- preventive
- minor restorative

Services covered at 80 per cent are:

- endodontic
- major restorative
- prosthodontics maintenance
- periodontic
- prosthodontics

The maximum benefit for all of those dental services combined is $1,000 per person per calendar year.

Services covered at 50 per cent are:

- orthodontic

The lifetime maximum orthodontic benefit for any one person is $1,000.

Note: This is not meant to be an all-inclusive list. Expenses are subject to the terms of the contract.

Eligibility

The plan applies to eligible employees and their dependents. Eligible subscribers include:

- civil service employees
- Order-in-Council and ministerial appointees
- members of the Executive Council
- employees of eligible outside agencies

Eligible dependents include:

- spouse
- unmarried, unemployed children, step-children, and legally adopted children under the age of 21
- unmarried, dependent children 21 to 25 years of age, in full-time attendance at school or university, provided:
  - Application is made for such coverage.
  - There is no university program in effect or available offering the same or similar coverage.
  - Handicapped dependents may remain on the contract provided proper documentation (a letter from the doctor detailing the condition and severity of the handicap) is provided to and approved by Atlantic Blue Cross Care.

Effective Date

Application within 30 Days of Appointment

Coverage under the health plan will be effective on the date of appointment, provided application is made and such application is received in Payroll Services, Department of Finance within 30 days of the employee's appointment date.

Persons appointed on a temporary basis will not become eligible until the effective date of the first extension of a temporary appointment.

Application Made after 30 Days

If an application is received after the 30-day period, the effective date will be the first billing period following receipt of the application. A six-month waiting period will apply for pre-existing conditions if an employee has not provided proof of comparable coverage and indicated this at the time of the application.

Other Applications

Employees who have provided proof of coverage and who wish to enrol in the plan must apply within 30 days of the cancellation of their former coverage. The date of cancellation must be stated on the application so that waiting periods can be waived. If the application is received after the 30-day grace period, a six-month waiting period for pre-existing conditions will be applied.

Comparable Services

An employee who is covered under a comparable plan is required to provide proof of such coverage to their department within 30 days. This proof should be a photocopy of the plan's identification card or an equally acceptable proof. This copy should be sent to the Payroll Services, Department of Finance with the employee's payroll account number noted.

Retirement

Coverage under the extended health benefit plan will terminate 28 days after retirement. However, retirees who are presently covered will be enrolled under the pension health plan in effect at the time of retirement. Should coverage not be required, the employee will provide notice in writing to their department's personnel/ payroll office or to the Director of Pensions, Department of Finance.

Changes

Any additions or deletions or a change of name to an employee's contract (for example, marriage, birth, separation, divorce, death) should be made within 30 days of the change on a change request form. After the payroll number has been affixed, this form should be sent to Payroll Services, Department of Finance. If marital or dependent status changes, and the employee wishes to amend coverage, a change form must be completed. A married employee must have his/her spouse enrolled in order to have dependent children covered.

Married employees who do not apply for family coverage at the time of application will have a waiting period applied to any dependent added at a later time. This waiting period will be waived only if the spouse had previous coverage and is added to the plan within 30 days of the cancellation date of the other plan. The cancellation date must be on the change form.

Termination of Employment

When an employee leaves the employ of the Province of Nova Scotia and is not receiving a pension, coverage will cease four weeks after the termination date, providing premiums were deducted.

Application for non-group coverage must be made directly to Atlantic Blue Cross Care within 30 days of the cancellation of the coverage.

Premiums - Civil Service

The premiums are cost-shared between the employer and the employee. For current details, please see your department HR Representative.

Forms

A supply of all forms relevant to the Nova Scotia Government Consolidated Health and Dental Plan is available on request from the employee's departmental human resources office.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: ***January 30, 2003***
Approved by: ***Public Service Commissioner***
Manual release date: ***January 9, 2003***
Most recent review: ***January 17, 2003***

6.5 Group Life Insurance Plan

Please note the following information is intended as a summary only. For specific benefit details, please refer to the master contracts with our insurers.

General

Group life insurance is provided to employees under a policy administered by the Public Service Commission.

Coverage

BASIC INSURANCE — BARGAINING EMPLOYEES

All employees coming on staff after December 8, 1974, are covered for twice their annual salary rounded down to the nearest thousand dollars of salary, to a maximum coverage of $60,000.

BASIC INSURANCE — NON-BARGAINING EMPLOYEES

Effective April 1, 1982, all eligible employees are covered for twice their annual salary rounded down to the nearest thousand dollars of salary.

OPTIONAL INSURANCE

All employees who have the basic coverage have the option of selecting additional amounts of insurance on one or two times the salary within 60 days from the date of appointment. After the 60-day limit, evidence of insurability acceptable to the insurance company is required. Optional coverage may be terminated at any time upon written request to Central Benefits, Public Service Commission.

APPLICATION FOR COVERAGE

Since Basic Insurance coverage under the plan is a condition of employment and increases in salary that constitute an increase in coverage are automatically implemented, no formal application is required. Eligible employees electing Optional Insurance coverage of either one or two times their annual salary must make formal application on the prescribed form.

CHANGES IN COVERAGE AND ADJUSTMENTS IN PREMIUMS

Adjustments in premiums due to a change in age or salary that constitute an increase or decrease in Basic or Optional coverage will be adjusted as they occur, reflected in the pay following the change. In the event of death, coverage will be based on the individual's salary at the time of the claim.

Eligibility

The following classes are eligible for insurance:

- all persons appointed as civil servants, or appointed to a salaried position in the public service by the Governor-in-Council, and not otherwise covered by a government group life insurance plan
- all senior officials, Deputy Ministers, and those with the rank and standing of Deputy Ministers who are not otherwise covered by a government group life insurance plan
- all other persons appointed to a position in the public service of the province who are subject to the provision of the *Public Service Superannuation Act.*

Cancellation of Insurance

Insurance will be cancelled 31 days after an insured person leaves the service of the Province of Nova Scotia. However, if an insured person retires on pension, insurance will terminate three months following the date of retirement or the date the employee reaches age 65, whichever is the later. A pensioner may reduce his or her coverage to any multiple of $1,000 or cancel Basic and/or Optional coverage at any time, upon written request to Central Benefits, Public Service Commission.

Conversion Privilege

An insured person whose coverage has ceased in accordance with Eligibility may convert their insurance under the group policy to individual insurance, provided application is made to the insurance company within 31 days immediately preceding the date on which that person's insurance under the group policy terminates. The insured person need not provide evidence of good health but must pay the first premium at the time the application is made. The rate of premium charged under the individual policy will be that which corresponds to the age and class of risk of the insured person.The individual policy may be for any amount not in excess of that for which the insured person was covered under the group policy at the time of the termination of the insurance, up to a maximum of $200,000.

Enquiries

Central Benefits, Public Service Commission (902) 424-7685

Approval date: ***January 30, 2003***
Approved by: ***Public Service Commissioner***

Manual release date: ***January 9, 2003***
Most recent review: ***May 16, 2005***

6.6 Group Travel Accidental Death and Dismemberment Insurance Policy

Under review.

6.7 Visual Display Terminal Operations

Introduction

Available evidence indicates that the operation of visual display terminals is safe and does not present a health hazard to the operator. However, until there is conclusive scientific evidence that there are no adverse affects on employee health resulting from continuous work at a visual display terminal, Public Service Commission has deemed it advisable that certain precautions be taken. These precautions are also provided for in the various collective agreements.

Eye Examinations

Where an employee spends more than 50 per cent of his/her time during a normal work week working at a visual display terminal, such an employee is entitled to a standard eye examination by an ophthalmologist once every 12 months. The cost of such an examination will be borne by the employing department.

Applications

Applications for an eye examination, as provided for in the previous section **Eye Examinations**, will be made in a form acceptable to the department through a designated department official. Such an application will normally be approved when the department has satisfied itself that the employee spends 50 per cent or more of his/her work week working at a visual display terminal.

Pregnant Employees

A pregnant visual display terminal operator may request a job reassignment for the period of pregnancy by forwarding a written request to the employee's manager along with a certificate from a duly qualified medical practitioner certifying that the employee is pregnant. Upon receipt of the request, the department, where possible, will assign the visual display terminal operator to an alternative position and/or classification or to alternative duties within the department.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review:***

Chapter 7: Travel and Relocation

7.1 Travel Policy

Policy Statement

This policy has been designed to balance the government's need to contain costs and demonstrate prudence in the conduct of government activities and the employee's need for convenience when travelling on government business. These provisions provide for the reimbursement of reasonable expenses necessarily incurred while travelling on government business and do not constitute income or other compensation that would open the way for personal gain.

Definitions

ALLOWANCE

An authorized amount that may be claimed in lieu of actual expenditures for specific items, such as mileage.

COMMERCIAL ACCOMMODATIONS

Hotel/motel type of accommodation or similar commercial establishment, which provides lodging at an established daily rate.

CONTINUOUS TRAVEL

Continuous travel time is considered to begin at the scheduled departure time of the first flight of a journey and end at the earlier of:

- arrival at the destination
- the beginning of an overnight stop
- the scheduled arrival time of the first inter-connecting flight(s) within the airlines minimum connecting time rules.

DEPUTY HEAD

The Deputy Minister or designate of a department, or the senior administrative officer of an agency not reporting through a Deputy Minister.

EMPLOYEE

Any person receiving a wage, salary, or other remuneration in return for services rendered to the government in connection with government business, but excluding those persons performing a service for a fee where the fee includes expenses.

EMPLOYER
Her Majesty in the right of the Province of Nova Scotia, as represented by Nova Scotia government departments and agencies.

ENTERTAINMENT/HOSPITALITY
Expenses incurred for business meals, beverages, refreshments, receptions, shows, or performances.

EXPENSE CLAIM FORM
The standard form used to submit a statement of expense claim for reimbursement, Statement of Travelling Expenses, Form 229.

EXPENSES
The actual costs incurred, supported by proof of payment, up to the amount judged by the employer to be reasonable, based upon experience of what such costs should be in the circumstances.

HEADQUARTERS AREA
The area within a 16-kilometre (10-mile) radius surrounding the actual building or other regular place of employment of the employee.

INCIDENTAL EXPENSES
Includes items such as gratuities (other than those related to meals and taxi use) and other personal supplies and services, the costs of which can be attributed to a period in travel status, but for which no other reimbursement or allowance is provided under this directive.

KILOMETRAGE/MILEAGE
The distance actually travelled on government business.

INTERNATIONAL TRAVEL
Travel outside Canada.

MINISTER
The Minister of a department and/or in charge of an agency.

PUBLIC TRANSPORTATION
All forms of transportation for which a fare is paid other than privately owned, rented, or chartered vehicles.

TRANSPORTATION EXPENSES
Includes commercial air, rail, automobile (private or rental), road, ferry and bridge tolls, and parking charges.

TRAVEL EXPENSE
An expense actually and necessarily incurred by an employee in connection with travel on government business.

TRAVEL STATUS
Absence of the employee from his/her headquarters area on government business involving travel and/or accommodation with the approval of his/her Minister/deputy head.

WORKPLACE
The location at or from which an employee ordinarily performs the duties of his/her position including any vehicle or mobile equipment used or likely to be used by an employee in the course of performing his/her position. In the case of an employee whose duties are of an itinerant nature, it is the actual building to which the employee returns to prepare and/or submit reports, etc., and where other administrative matters pertaining to the employee's employment are conducted.

Policy Objectives

Proper implementation of this policy will achieve the following objectives:

- educate employees who travel on government business so that they clearly understand the government's cost control objectives and how employees can help to achieve these
- provide a means to evaluate the effectiveness of the policy
- take advantage of technological advancements to further the aims of the Travel Policy.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Government of Nova Scotia, in addition to Ministers, deputy heads, and other persons travelling on government business, including training. It does not apply to those persons whose travel is governed by other authorities.

Policy Directives

ADMINISTRATION

It is the prerogative of the employer to determine whether, when, where, by whom, and by what means travel will be undertaken and to select the mode and class of transportation and the accommodation to be used, subject to the provisions of this policy.

Employees travelling on government business, including training, shall be afforded transportation and accommodation that are comfortable and of good quality. Allowance, rates, and conditions of payment and reimbursement shall be sufficient to meet reasonable, legitimate expenses that are necessarily incurred as result of the requirement to travel. In exceptional travel situations, when a person is confronted with unusual costs, actual and reasonable expenses may be reimbursed.

Travel to/from Workplace at Unusual Hours

Except where governed by specific terms of a collective agreement, when an employee is required to report to work early or to remain/return at work after normal hours, the employer may, as a direct consequence of the hour, authorize payment for the use of a taxi.

Unique Circumstances Requiring Travel to/from Workplace

Where an employee is required by the deputy head to undertake travel that is not in the ordinary course of business in order to meet operational requirements, such travel arrangements will be assessed by the deputy head on a quarterly basis.

Out-of Province Travel Authorization

All out-of-province travel shall be preauthorized, and all travel plans must be reviewed prior to being authorized to determine consistency with government goals. The mode and class of transportation and type of accommodation shall be specified in writing on the "Out-of-Province Travel Form," completed in detail, signed by both the Minister and the employee, acknowledging acceptance of the terms of travel, which shall be in accordance with all instructions contained in this policy.

Travel/Credit Cards

As a general practice, all employees should use the government travel card. Personal credit cards may be used for payment of travel expenses provided that the travel expense claim is supported by an official itemized receipt or a voucher or invoice supplied by the establishment indicating the payment of the account.

The employee must pay his/her own credit/travel card accounts. Any fee or deposit required for maintaining a personal credit card must be borne by the employee. Interest charges and surcharges on credit card accounts cannot be claimed.

For credit cards issued for use only on government business, including the Nova Scotia Gasoline Card and government credit cards, see the Government of Nova Scotia Credit Card Policy.

Travel Forms

Out-of-Province Travel Form

The Out-of-Province Travel Form is to be used for travel that is outside of the normal area of operations and shall contain the following information:

- the purpose and duration of the trip
- the location(s) to be visited
- the dates and times of arrival and departure
- any pre-paid transportation, meals, or accommodation
- the modes and classes of transportation authorized
- vehicle rental authorization, including size
- the type of accommodation, place, and daily rates
- meals, incidental expenses to be authorized, or whether actual and reasonable expenses for meals and incidentals will be reimbursed
- other legitimate expenses involved
- Out-of-Province Approval Control Number.

Expense Claim Forms

Travel expense claims shall contain an explanation on the Expense Claim Form whenever there are material changes from the preapproved arrangements. In such cases, the expenditures shall be authorized by a person at the same level as would have been necessary for the original approval.

Receipts

Receipts must be attached to the Expense Claim Form to support all travel expenditures, including transportation ticket stubs; pre-paid transportation and meals or accommodation shall also be noted.

The only expenses for which receipts are not required are as follows:

- claims for per diem meal allowances (unless otherwise specified)
- incidental expenses
- taxis utilized on trips for which the cost is $7.00 or less
- claims for car mileage or allowances.

Where the employee certifies that the receipt was lost, accidentally destroyed, or unobtainable, a personal declaration may replace the receipt. Personal credit card carbon copies are acceptable for total amounts. However, departments may request an itemized accounting.

Attendance at Luncheons, Conferences, etc.

If authorized by the Minister or deputy head to attend a luncheon, business meeting, conference, convention, or part thereof, an employee may claim the related expenses. A travel expense claim must indicate the government-related purpose and the number of persons. This also applies to activities such as monthly meetings of associations for attendance as authorized.

Entertainment/Hospitality

Claims for entertainment/hospitality expenses must be authorized by the deputy head. Entertainment/hospitality expenses in excess of $100 or any entertainment/hospitality provided in an employee's home must have the prior approval of the deputy head. When such expenses are incurred, the government-related purpose of the entertainment/hospitality and the persons entertained must be identified on the claim form.

Extended Travel Status at One Location

If an employee is required to spend in excess of three weeks in travel status at one location, the department shall attempt to make special arrangements for lodging and meals at the most economical rates.

Weekend Return from Extended Travel Status

An employee who would otherwise be required to remain on travel status, but who returns to his/her home over a weekend, may be reimbursed in an amount not exceeding the cost of normal transportation to his/her home and return, or an amount equivalent to the cost of meals and accommodation had the employee remained on travel status, whichever is less.

A deputy head may authorize an employee to combine a business journey with one taken for vacation or other personal reasons. All expenses relating to an employee's spouse are not allowable. The allowable travel expense will be limited to those actual, allowable costs that would have arisen if the journey had been made solely for business purposes and in no instance may exceed the most economical means of travel.

Expenses on Behalf of the Minister

All expenses claimed on behalf of the Minister must be supported by appropriate receipts and adequate particulars and explanations and classified as expenses of the Minister. The expense claims must be approved by the Minister.

Authorizing Claims

Deputy heads must have their travel expense claims authorized and signed by the appropriate Minister. Travel expense claims for out-of-province travel and international travel must be authorized and signed by the Minister. All other departmental travel expense claims are to be signed by the deputy head or persons authorized to do so on his/her behalf. A claimant may not authorize his/her own claims.

Any fraudulent irregularity in the travel expense claim submitted by an employee, or any other misuse or misappropriation of public funds, will result in disciplinary action, which may include termination. A manager should consult with their respective Deputy Minister, Human Resources Director, and Staff Relations Consultant prior to administering disciplinary action.

COMMERCIAL TRANSPORTATION

- The selection of the mode, class, and schedule of commercial transportation shall be made by the employer on the basis of cost, convenience, and practicality.
- Where commercial transportation is authorized and used, the employee shall be provided with the necessary pre-paid tickets or will be reimbursed the actual and reasonable costs upon evidence of payment. Commercial transportation ticket stubs, whether purchased by the employee or not, must be attached by the employee to the travel Expense Claim Form.
- When an employee has an aversion to air travel, the employer shall endeavour to schedule the work so that time will permit the employee to travel by other means as determined by the employer if deemed economical and practical in the circumstances.

- An employee will be reimbursed costs incurred in transporting personal effects or government-owned equipment at excess luggage rates, if the employer agrees that it was necessary for the effects or equipment to be taken on the journey.

AIR TRAVEL

Reservations

All reservations for commercial air travel shall be booked by the department.

Standard for Air Travel

The standard for air travel is economy class and this includes charters and other reduced fares. This rule may be varied only when an additional cost is justified by program-related reasons such as there being no less expensive class of air travel available and a delay in arrival is unacceptable. The use of a class more expensive than economy must be specifically authorized by the Minister. In all other instances, the lowest available airfares appropriate to particular itineraries shall be sought when making bookings. Discount and reduced fares shall be selected rather than full-fare economy when these rates are available. Significant savings can be realized on commercial air travel if flights are booked as far in advance as possible.

The various restrictions or benefits that may apply to certain special fares should be taken into account when determining the most economical means of travel available. The possibility of increased travel costs occurring through the payment of additional living expenses to the employee should be taken into consideration in order to meet the conditions of the carrier's special fare.

Accident Insurance

The province has a comprehensive insurance policy for air travel, and claims for the cost of additional coverage will not be reimbursed.

Itineraries

Itineraries should be arranged to provide for an overnight stop after continuous travel time of at least nine hours.

To alleviate fatigue caused by rapid time-zone changes or overnight travel, a suitable rest period will be arranged between the time the employee arrives at the destination and the time the employee is required to report for work.

Business/Executive Class Air Travel

Business/executive class air travel may be authorized in accordance with the following principle:

- When the employer requires the employee to travel on a continuous flight of nine or more hours with no stops between scheduled departure and scheduled arrival times, or with one or more intermediate stops without an overnight stay, upgrading the class of air travel shall be authorized when requested by the employee, and the employer is expected to upgrade those flights that do provide this possibility as deemed practical.

Ground Transportation

The cost of transportation to and from an airport may be claimed and, wherever practical, such travel should be by airport bus or other economical means.

Refunds of Airfare

A refund of airfare paid by an airline to an employee who is bumped or voluntarily postponed his/her flight at the request of the airline will be refunded to the province.

Private Aircraft

- The use of the government aircraft may be authorized by the Minister when this mode of transportation is considered both economical and practical.
- The use of a private aircraft, privately owned or rented, may be authorized by the Minister when this mode of transportation is considered both economical and practical.
- Employees who carry private life insurance policies are advised to confirm with their insurance agent that they are adequately insured if they use non-commercial flights.

OUT-OF-PROVINCE TRAVEL AUTHORIZATION

The Minister is responsible for authorizing out-of-province travel.

INTERNATIONAL TRAVEL

The Minister is responsible for authorizing international travel within the following parameters. This section includes only those provisions that are unique to travel outside Canada. The balance of the general policy also applies to these travel situations.

Meal Rates

Meal rates paid shall be based on actual and reasonable costs and are applicable only if meals are not provided on a carrier or included in the cost of the hotel. Where meals are provided, the rates shall be reduced accordingly.

Meals taken during part days in travel status are reimbursed in accordance with actual and reasonable costs.

Incidentals
The incidental expense allowance paid shall be based on actual and reasonable costs where no meal allowances are listed for a given country. Incidentals are calculated based upon meal allowances paid for each day or part day in travel status where sleeping accommodation is authorized. When incidentals are claimed, no additional amount may be claimed for gratuities.

Telephone Calls
An employee on travel status overseas shall be reimbursed the costs incurred for local and long-distance telephone calls necessarily placed as a result of government business. Receipts are required for calls placed while on overseas travel.

Employees travelling internationally are encouraged to be provided with international telephone-card privileges, or government international telephone network facilities, which are to be used in a reasonable manner.

Foreign Currencies
The costs incurred in converting funds to foreign currencies and reconverting any unused balance to Canadian currency shall be reimbursed based on receipts. Where such receipts are not attached to the travel claim, the average of the Bank of Canada currency exchange rates shall apply, based on a random sample of days in travel status selected by the employer. However, where an employee has not provided receipts for travel in a country where a recognized tourist rate of exchange exists, this rate shall be used as the basis for calculating the reimbursement of expenses.

Additional Medical Coverage
Claims for doctor, ambulance, hospital, etc., that have not been paid by MSI will be submitted as a separate request for indemnity signed by the deputy head. Such claims should not be included on a normal expense account. The government carries a policy that provides personal accident insurance on employees who are engaged in work pursuant to their employment, which includes travelling on government business in any form of transportation. Blue Cross or other travel medical insurance coverage is a personal expense, and premiums may not be claimed.

Insurance

Employees are insured by government for travel outside Canada, and the cost of additional insurance purchased voluntarily by the employee shall not be reimbursed.

Employees on international travel shall be entitled to reimbursement of the cost of insurance to cover repairs or a replacement of lost or damaged luggage while travelling, except where such coverage is provided by the carrier.

Passports

When an employee is required to undertake international travel on authorized government business, the employee shall make the necessary arrangements for obtaining an appropriate official passport or visa and any required inoculations, vaccinations, x-rays, and certificates of health at no expense to the employee.

SURFACE TRAVEL

Employees may travel by bus, rail, boat, taxi, or rental car, whichever is the most economical means of transport or at the discretion of the deputy head when determined reasonable under the circumstances.

Class of Travel

If travel by rail or boat is authorized, the employee is to use the most economical rate for appropriate accommodations in relation to the duration of the trip. First-class rail passage may be booked if necessary, to obtain sleeping accommodations.

Buses

Local public transportation and inter-city buses can often be used and should be used whenever practical.

Taxis

In general, the use of taxis should be confined to short trips in situations where it is not suitable or reasonable to use local public transportation. The points of departure and destination must be indicated.

EMPLOYEE-DRIVEN VEHICLES

Distance Limits

The following guidelines have been developed, which are intended to support employee safety. Specific situations may require different approaches being taken. If an employee's destination is further than 450 kilometres away, the use of the employee-driven vehicle should not normally be authorized. However, when travel by commercial carrier presents significant inconvenience or is not deemed practical by the employer in terms of overall costs, including salary and other expenses, an employee-driven vehicle may be authorized.

In the interest of safe driving, when employee-driven vehicles are authorized, employees should not normally be expected to drive more than:

- 300 kilometres after having worked a full-day
- 450 kilometres after having worked one-half day
- 600 kilometres on any day when the traveller has not worked.

Payments in excess of those normally incurred, such as road, ferry, bridge, tunnel, tolls, and parking charges shall be reimbursed based upon receipts, where available. Drop-off charges shall not be reimbursed unless preauthorized and may be authorized only where it is cost-beneficial.

Additional Charges That May be Claimed

Charges for bridge, ferry, causeway tolls and parking fees actually and necessarily incurred on government business may be claimed.

GOVERNMENT-OWNED VEHICLES

Authorization

A government vehicle will not be driven by anyone other than an employee unless authorized by the deputy head. Persons authorized to drive government vehicles must have a valid driver's licence. Where convenient public transportation is available, the use of government vehicles should not be authorized.

Carriage of Passengers

Employees authorized to drive a government-owned vehicle must drive it themselves. The government self-insures its own vehicles. There is no liability coverage for unauthorized drivers who would be personally liable in the event of an accident. Furthermore, passengers are not to be carried in a government vehicle unless otherwise authorized by the driver's manager/supervisor.

Reimbursement for Expenses

Expenses incurred in the use of government-owned vehicles are usually charged as they occur, using credit cards provided by the employer. Where credit cards are not provided, an employee shall be reimbursed necessary disbursement made in connection with the operation of the vehicle, based upon receipts. Such expenses do not include parking fines or traffic violations, which are the responsibility of the employee.

Personal Use

Employees shall not use government-vehicles for personal travel, unless specifically authorized. Where personal use is authorized, the employee is responsible to pay mileage for personal use, which includes mileage accumulated for transportation between an employee's residence and the employee's headquarters. The kilometrage rates payable for personal use of government-owned vehicles are outlined in Schedule 7-1.

GOVERNMENT RENTAL VEHICLES

When a government vehicle is not available or practical, travel using a government rental vehicle may be authorized where, in the opinion of the deputy head, this method is practical and economical. Payments in excess of those normally incurred, such as road, ferry, bridge, tunnel, tolls, and parking charges shall be reimbursed based upon receipts. Drop-off charges shall not be reimbursed unless preauthorized and may be authorized only where it is cost-beneficial.

Where reasonable and practical, compact-sized vehicles shall be rented. Full-size or specialty vehicles may be authorized only when warranted by:

- the number of passengers to be carried
- the bulk or weight of the goods to be transported
- an extenuating circumstance.

The employee is responsible for the payment of rental costs where such is authorized for travel use. Under normal circumstances, the province will not pay such costs directly to the supplier. The rental cost should be included on the employee's Expense Claim Form, supported by proper receipts.

Insurance

Government employees are insured by government for travel outside Canada, and the cost of additional insurance purchased voluntarily by the employee shall not be reimbursed.

Where practical, round trips in excess of 450 kilometres, should be driven using a rental vehicle.

PRIVATELY OWNED VEHICLES

Authorization

The use of a privately owned vehicle on government business outside of the province must be authorized by the employee's manager/supervisor.

Insurance
To ensure that employees are adequately protected, privately owned vehicles used on government business shall, as a minimum, have basic insurance coverage. The employee is responsible for payment of their respective insurance premiums. When the use of a privately owned vehicle is authorized, the manager/supervisor must ensure that the employee is informed that the employer assumes no financial responsibility beyond payment of the authorized kilometre (mileage) rate and that, in the event of an accident, the employer assures no responsibility for the deductible amounts related to comprehensive or collision coverage.

Reimbursement for Use
When, for any authorized government business travel, an employee requests and the manager/supervisor agrees to the use of the employee's privately owned vehicle, the employee will be reimbursed for the appropriate rate for the actual distance driven on government business.

Kilometrage
The kilometrage rates payable for the use of privately owned vehicles driven on authorized government business are outlined in Schedule 7-1. An employee should submit a claim based upon the manner in which the employee's odometer is calibrated (kilometres or miles). Employees shall use only the most direct routes and shall claim only for distance necessarily driven on government business travel during the period claimed.

Exceptions
If a department, board, agency, or commission has special operating requirements that cannot be met by the standard provisions, the Minister charged with the *Civil Service Act* is empowered to approve payment on a non-standard basis.

Parking
An employee will not be reimbursed for or provided with parking when an automobile is not a requirement in the performance of his/her daily duties.

Parking charges are normally not payable when the employee is on duty at the workplace. However, when the employee is authorized to use and uses a private vehicle on government business travel from the workplace to a point of call, or from a point of call to the workplace, the employee will be reimbursed the actual costs of parking the vehicle for that day only.

An employee in travel status may claim parking expenses for:

- short-term parking when the employee is away from the workplace
- overnight parking when not provided with accommodation
- parking at an airport or other transportation terminal (if it is less costly than access via limousine, bus, or taxi).

Employees will use free parking space when available and meter parking in preference to lot parking if the expected duration of parking is within the time permitted. Fines for overtime parking are not an allowable expense.

USE OF MOTOR VEHICLE AS A CONDITION OF EMPLOYMENT

A department wishing to have an employee designated as requiring a motor vehicle as a condition of employment must make an application in writing to the Public Service Commission, which should include the following information:

- employee's name, title, and classification
- distance covered by the previous incumbent in the previous year
- anticipated kilometres/mileage for the current year
- nature of function performed
- whether travel could be made more economically by other means without impairment of efficiency
- whether the employee has control over the demand for transportation
- the incidence of usage.

An employee who occupies a position that has been designated as requiring the use of a motor vehicle will be compensated as outlined in Schedule 7-1.

An employee who is receiving a monthly allowance cannot be assigned a government vehicle.

Employee Travel Allowance Change Advice Form

A department is responsible for sending the Public Service Commission a completed Employee Travel Allowance Change Advice Form to advise of any changes associated with the employee monthly allowance, including:

- when a designated employee is transferred to a non-designated position or leaves the employ of the department and is no longer eligible for the allowance

- to reduce the monthly allowance when the employee has had leave with pay for more than 30 working days or leave without pay
- reduction in the allowance and calculation of past-month allowances for newly appointed or resigning employees will be made at the rate of $8.58 per day.

ACCOMMODATION

Reimbursement and Standards

All reservations for commercial accommodation shall be booked by the department. The deputy head will authorize an employee to stay in establishments that are conveniently located and comfortably equipped. An employee will be reimbursed only the actual and reasonable expenses incurred for commercial accommodation authorized by the employer, and proof of payment is required. The use of luxury accommodation will not be authorized.

When planning trips, employees should normally stay at establishments offering government rates. It is the responsibility of the employee to identify himself/herself as a government employee in order to ensure that the government negotiated rate for commercial accommodation is provided.

Written complaints regarding hotel standards should be forwarded to the attention of Executive Director, Procurement Division, Department of Transportation and Public Works.

Private Accommodation

Unless program-related reasons dictate the use of specific accommodation, an employee's request for commercial or non-commercial accommodation shall be considered by the employer. Where private accommodation is selected, the employee may be reimbursed to a maximum of $13.50 per night. Prior approval must be obtained from the employee's manager/supervisor.

Other

When other types of facilities are used, for example campsites, the employee will be reimbursed for any actual and reasonable charges associated with the use of the facility, supported by receipts, up to the maximum amount allowable for private, non-commercial sleeping accommodation.

Cancellations and Guaranteed Reservations

When travel plans change and the accommodation will not be required, the employee shall ensure that reservations are cancelled directly with the commercial establishment(s). Proof of cancellation shall be obtained (i.e., cancellation number and agent's name).

Hotel Overcharges

It is the employee's responsibility to question the commercial establishment when the rate charged is in excess of the negotiated rates for government. In the event that an employee inadvertently overpays or is charged a rate above the government-negotiated rate, the employer shall intercede on the employee's behalf as appropriate.

MEALS

General

Meal allowances within Canada are outlined in Schedule 7-2.

Travel Status with Overnight Accommodation

For each day or part day in travel status where overnight accommodation is authorized, an employee shall be paid a meal allowance for each breakfast, lunch, and dinner, when applicable, if the meal was not provided free of cost to the employee or as part of the transportation cost. When this allowance is paid, no additional amount may be claimed for meals, or for gratuities associated with meals, except in exceptional circumstances.

Travel Status of Less Than One Day

For travel status of less than one day, when a round trip journey generally takes place on the same calender day, the appropriate meal expenses will be paid only where the employer is satisfied that the employee was actually in a position to incur restaurant meal expenses and did not make other arrangements.

Meals within Headquarters Area

Meal expenses incurred within the headquarters area shall not be reimbursed except as otherwise provided for in the policy. Expenses incurred in connection with attendance at meetings or events that are of personal interest shall not be reimbursed.

In situations not covered by terms and conditions of employment or collective agreements, employees who are required to work through or beyond normal meal hours and who are clearly placed in situations of having to spend more for the meal than would otherwise be the case may be reimbursed based on receipts, within the limits indicated in Schedule 7-2, or when circumstances dictate, actual and reasonable expenses may be reasonably reimbursed when employees are placed in situations where a meal is of exceptionally high or low cost in the following circumstances:

- when employees are required to attend conferences, seminars, meetings, or public hearings at which weekend sessions are scheduled
- when employees are required to attend formal full-day conferences, seminars, meetings, or hearings and where meals are an integral part of the proceedings
- when employer representatives are involved in collective bargaining proceedings
- when intensive task force or committee studies are enhanced by keeping participants together over a normal meal
- other exceptional situations resulting directly from an employee's duties where the reimbursement of meal expenses is clearly reasonable and justifiable.

High Meal Cost Situations

The daily amounts authorized for meal allowances while travelling on government business inside the province provide an adequate allowance. Only where an employee is exposed to unusually high costs within the province will the employee be reimbursed his/her actual receipted costs per individual meal that exceed the per diem to the extent that the expenses claimed are reasonable and justifiable in the circumstances. Meal claims shall be on an individual basis over the course of a day.

Meals Provided

Throughout the total period in travel status, deductions from the per diem meal rates shall be made in respect of meals provided, such as meals served by a carrier en route, or meals included in conference registration fees or accommodations costs.

Employees whose religious beliefs or medical requirements prohibit them from consuming certain foods should be aware that appropriate meals can normally be obtained from caterers and air carriers, provided that adequate advance notice of a special requirement is given.

Exceptional Circumstances

It must be emphasized that these provisions are not intended to provide additional meal allowances or to replace the meal provided by the carrier. They are meant to reimburse expenses reasonably and justifiably incurred under these specific circumstances. The out-of-pocket expense incurred to supplement meals provided en route by the carrier may be reimbursed under the following exceptional circumstances:

- when a carrier's meal is served at a time that could generally (not personally) be considered as unreasonable, and where the time interval between meals served is clearly excessive and unreasonable, and in such cases reimbursement shall be based on receipts and shall not exceed the per diem meal allowance for that particular meal
- when an employee is required to travel on business via commercial carrier during a period that may generally be considered a reasonable meal hour, and where the carrier provides an inappropriate meal, the traveller may be reimbursed for actual costs incurred that do not exceed the prescribed allowance for the appropriate meal, and receipts are required.

INCIDENTALS AND OTHER EXPENSES

For each day of travel when sleeping accommodation is authorized and used, an employee will be reimbursed an allowance of $4.00 to cover miscellaneous out-of-pocket expenses, which include such items as baggage charges, gratuities (other than meals), and personal local telephone calls. If no overnight accommodation is required or if private overnight accommodation is used, the incidental allowance may not be claimed.

Tips and Gratuities

No gratuities may be claimed separately, as they are provided for in the per diem allowances.

Dry Cleaning and Valet Service

Dry cleaning and or valet service charges may be claimed only where essential due to extraordinary circumstances and performed while the employee is in travel status. Receipts must accompany the claim.

No haircuts

No haircuts may be claimed, as they are not an allowable travel expense.

Laundry

Laundry charges are claimable only if:

- the employee is in travel status in excess of five nights
- laundry service is performed while the employee is in travel status
- the claim is submitted with receipts.

Telephone Calls

An employee on travel status will be reimbursed the costs incurred for necessary local and long distance telephone calls. Long distance telephone calls claimed must be reasonable and supported by statements.

Illness, Accident, or Family Emergency

When, in the opinion of the attending physician, an employee's condition resulting from illness or injury while in travel status warrants the presence of the next of kin or a representative of the family, actual and reasonable transportation and accommodation expenses may be paid with the approval of the deputy head.

Accountability

MINISTER/DEPUTY HEAD

Each Minister/deputy head has the responsibility for ensuring an independent review and approval process to ensure that all expense claims are properly prepared, documented, and approved.

MANAGERS/SUPERVISORS

Managers/supervisors have the responsibility for administering travel in accordance with the requirements of this policy. Specifically, managers must:

- ensure that this directive is available at the employee's normal workplace during the employee's working hours
- determine whether travel is necessary
- ensure that the selection and acquisition of related arrangements are consistent with the provisions of this policy
- when feasible, preauthorize travel on the designated form
- verify and approve travel expense claims on a designated form before reimbursement.

EMPLOYEE

The employee shall:

- obtain prior authorization to travel except where otherwise provided
- submit fully completed travel expense claims on the authorized form with necessary supporting documentation, including receipts and explanations as required
- be responsible for the safe-guarding of funds provided
- submit claims involving an individual travel card within 10 working days after completion of the travel for which the advance was authorized

- submit claims as soon after completion of travel as possible but not later than 30 calender days after the end of the fiscal year in which the travel occurred. Claims received after that date will be reimbursed only when properly substantiated by the employee and when the employer is of the opinion that the delay was justified.

The employee is responsible for becoming familiar with the provisions of this policy before departure.

Monitoring

Every Minister and deputy head is responsible for ensuring monitoring procedures are established to determine compliance with the Travel Policy. The Department of Finance and the Public Service Commission are jointly responsible for regularly monitoring the corporate policy having regard to performance and effectiveness in achieving the policy objectives.

References

Government of Nova Scotia Credit Card Policy

Government of Nova Scotia Moving and Relocation Policy

Appendices

Schedule 7-1: Car Kilometrage Rates and Monthly Allowances Regulations, Order-in-Council 1998-611

Appendix 7-A: Guidelines

Schedule 7-2: Meal Allowances

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: September 7, 2000	*Manual release date: January 9, 2003*
Approved by: Executive Council	*Most recent review: October 12, 2005*

Schedule 7-1

Car Kilometrage Rates and Monthly Allowances Regulations made under Section 45 of the *Civil Service Act*, R.S.N.S. 1989, c. 70 O.I.C. 2002-243 (May 24, 2002), N.S. Reg. 63/2002

Citation

1 These regulations may be cited as the *Car Kilometrage Rates and Monthly Allowances Regulations.*

Prior rates

2 Car kilometrage rates and allowances authorized by Order in Council 1998-611dated December 1, 1998, shall not be paid after March 31, 2000.

Kilometrage rates

3 After the date prescribed in Section 2, the following kilometrage allowance will be payable for all kilometres driven in connection with employment:

	April 1, 2000
0– 16 000 km	34 cents/km
16 000.1– 24 000 km	30 cents/km
24,000.1 km+	23 cents/km

Monthly allowances

4 (1) Effective April 1, 2000, an employee who has been designated by the Commission as belonging to a class of employment wherein availability of a motor vehicle is deemed to be a condition of employment may opt to receive a monthly allowance of $264.31 and an additional allowance of 19.5 cents per kilometre driven in connection with employment.

(2) Effective April 1, 2000, a monthly car allowance of $710.75 shall be paid to an employee of the Department of Transporation and Public Works holding the position of Engineering Survey Technician or Project Engineer.

(3) Scale house operators (Motor Vehicle Registry), road transport inspectors in the Department of Transportation and Public Works, and motor carrier inspectors in the Public Passenger Division, Nova Scotia Utility and Review Board, shall be paid a monthly car allowance for travelling to and from scale houses if the return distance is

(a) over 8 km, but less than 24 km	$53.00
(b) 24 to 48.3 km	$80.76
(c) in excess of 48.3 km	$136.29

Request for change

5 If an employee who has the option of receiving a monthly allowance pursuant to subsection 4(1) wishes to change from the monthly allowance to kilometrage or from kilometrage to the monthly allowance the employee must notify the Public Service Commission in writing not later than April 30th of each year or within 30 days of eligibility.

Guidelines

6 The guidelines to be used by the Public Service Commission for designating employees as belonging to a class of employment wherein availability of a motor vehicle is deemed to be a condition of employment are set out in Appendix 7-A.

Monthly allowance not reduced

7 Employees who are required to have a motor vehicle, and who have exercised the option of the monthly allowance pursuant to these regulations, and employees entitled to payments under subsection 4(2) or (3), will not have their allowance reduced on account of

- vacation
- special leave with pay for a period of 30 days or less
- sick leave for a period of 30 days or less
- special leave without pay, provided, however, that the monthly allowance will be reduced in proportion to the number of compensation days in the month for which the special leave was granted.

Travel outside regular district

8 If the Minister or a departmental official delegated by the Minister directs that an employee shall travel outside of the regular district and receive standard kilometrage allowance, the employee's monthly allowance paid under subsection 4(2) or (3) shall be reduced in proportion to the number of compensation days in the month that the employee is assigned out of the regular district, and such employee shall then receive standard kilometrage allowance for the kilometrage travelled outside the regular district.

Government cars not assigned

9 An employee who is receiving a monthly car allowance pursuant to these regulations cannot be assigned a government car.

Personal use of government-owned vehicles

10 (1) Proper authorization must be obtained before using government-owned vehicles for personal use.

(2) Personal use means kilometrage used on other than government business and this kilometrage shall be repaid to the Province at the rate of 21.3 cents/km.

Approval required for other payments

11 (1) If specific requirements by departments, boards, agencies and commissions cannot be accommodated under Section 3 or 4, the Minister in charge of the administration of the *Civil Service Act* may approve payment for the use of privately owned motor vehicles on a basis other than as prescribed by Section 3 or 4 to address specific operating requirements.

(2) Payments approved by the Minister pursuant to subsection (1) shall also require the approval of the Executive Council.

Application

12 The kilometrage allowances and travel allowances in these regulations shall apply to all employees of the Province of Nova Scotia and to the members of the Legislature, subject to such alternate direction as may be given by the Legislature's Internal Economy Board.

Appendix 7-A

Guidelines

The following list contains factors to be used by the Public Service Commission in determining when an employee is to be designated as requiring, as a condition of employment, ownership of a motor vehicle and, therefore, has the privilege of opting for a monthly allowance plus kilometrage allowance.

- Kilometrage allowances will not be authorized if travel can be made more economically by other means of transportation without substantial impairment of the efficiency of service.
- If the number of kilometres is 3218.6 km or less per year, the option will normally not be granted.
- If the number of kilometres is 16 000 km or more per year, the option will normally be granted on the recommendation of the Deputy Minister.
- Recommendations for designation should take into consideration the nature of the function performed, the requirements for transportation that may be met by use of personal vehicle, rental vehicle, public transportation, etc.
- Designation of employees required to travel more than 3218.6 km per year but less than 16 000 km per year will be based on the criteria that the department determines and recommends that the provision and use of a privately owned motor vehicle is the most efficient manner of providing transportation in fulfilling the job function, particularly as it relates to the provision of services to the public.
- Where employees do not have control over the demand for transportation that can and does occur at any time, for example, in areas of personal service, protection, etc., this will be considered as a relevant factor.
- The necessity to have transportation available when required, as well as how often such transportation is necessary, will also be considered.

Schedule 7-2

Meal Allowances

The per diem claimable for each meal (which is interpreted as the actual amount expended up to the maximum rate inclusive of taxes and gratuities) is set out as follows:

Breakfast per diem	$6.00
Lunch (mid-day) per diem	$7.00
Dinner (evening) per diem	$13.50

Breakfast
The cost of breakfast may be claimed only when the employee has been travelling on government business for more than one hour before the recognized time for the start of the day's work. This applies to daily or day-to-day travelling or to the first day of a trip exceeding one day in duration.

Dinner
The cost of the evening meal may be claimed when the employee is travelling on government business a minimum of three hours before 6:30 pm and is not expected to return to his/her residence before 6:30 pm.

General
The per diems claimable for meals while travelling on government business provide an adequate allowance for each day. Employees travelling on government business within the province will be reimbursed his/her receipted costs per individual meal that exceed the per diem only when an employee is exposed to unusually high costs and the expenses claimed are reasonable and justifiable in the circumstances. Meal claims shall be on an individual meal basis over the course of a day.

Exceptions
The per diems claimable for meals while travelling on official government business outside the province provide an adequate allowance for each day. Recognizing that employees are often restricted to the vicinity of the major hotels with their attendant higher restaurant meal costs, the employee will be reimbursed his/her receipted costs per individual meal that exceed the per diem to the extent that the employer considers the expenses claimed are reasonable and justifiable in the circumstances.

7.2 Moving and Relocation Policy

Policy Statement

The Government of Nova Scotia is committed to locating appointees, upon appointment, and relocating employees, upon transfer, in the most efficient manner that is at the most reasonable cost for the government and with the minimum detrimental effect on the appointee or employee.

Definitions

APPOINTEE

A person appointed to a civil service position on a continuing full-time basis and others deemed by the Public Service Commission to be appointees for the purpose of this directive.

DAY

A calendar day.

DEPENDENTS

The father, mother, brother, or sister of an employee or appointee who is a member of the employee's or appointee's household and who is dependent upon him/her for support by reason of incapacity or ill health, provided the employee or appointee certifies that he/she is entitled to an exemption for this relative under the *Income Tax Act;* or a child who is under the age of majority or, although over the age of majority, is unable, by reason of illness, disability or other cause, to withdraw from the charge of the parents or provide himself/herself with reasonable needs and includes a child 24 years of age or younger who is attending a post-secondary educational institution.

DEPUTY HEAD

The Deputy Minister or designate of a department, or the senior administrative officer of an agency not reporting through a Deputy Minister.

HOUSEHOLD EFFECTS

The furniture, household equipment, and personal effects of an employee or appointee and his/her dependents used in the regular dwelling, excluding livestock, lumber, heavy equipment, or similar items and any items used in connection with a secondary source of family income.

IMMEDIATE FAMILY
The spouse and dependents of an employee or appointee.

PLACE OF DUTY
The location of the official station or headquarters at or from which an employee or appointee ordinarily performs his/her duties.

REMOVAL EXPENSE
The cost incurred by an employee or appointee, who has been appointed or transferred, to effect the appointment or transfer, subject to prescribed limitations.

SPOUSE
A person married to another person and includes persons who, not being married to each other, live together as spouses and have done so for at least one year.

TRANSFER
The movement of an employee from one place of duty to another place of duty. Transfers fall into two general categories:

- An employer-requested transfer is initiated by the employer but does not include employment competitions (transfers of this kind are subject to the terms and conditions set out in this section).
- An employee may also be required by the Deputy Minister to change residence by reason that he/she has requested and been granted a transfer or is successful through competitive examination for appointment to a vacant position. Transfers of this kind entitle the employee to claim only those expenses and allowances that are authorized by the Deputy Minister.

Application

This policy applies to all non-bargaining unit employees and to new appointees. Bargaining unit employees are covered by the Memorandum of Agreement concerning removal expenses between the Public Service Commission and the Nova Scotia Government Employees Union.

Policy Directives

MOVING EXPENSES ON EMPLOYEE TRANSFER

Notification of Employee

For any transfer, the terms and conditions of reimbursement are to be discussed with the employee at the time of notification of transfer. No Minister, Deputy Head, or departmental official shall make any commitment to any employee that contravenes the terms set out in this section.

Certification of Claims

The deputy head of the employing department shall certify all claims made under this policy as being (1) in accordance with this policy and (2) just and reasonable, before any payment is made.

Transfer of Spouses

If an employee has a spouse who is also an employee and both parties are transferred to the same place, the terms and conditions of this policy apply as to an employee and spouse, not as two separate employees.

Minimum Distance Qualification

There is a minimum distance qualification that governs the eligibility of an employee for reimbursement of removal expenses. As a general rule, expenses will not be paid where the old and new places of duty are within the same metropolitan area or within reasonable commuting distance of each other. Specifically, moving expenses will not be paid unless:

- the new place of duty is outside a radius of 32 kilometres (20 miles) from the old place of duty
- the new residence is outside a radius of 32 kilometres (20 miles) from the old residence.

Arranging Movement of Household Effects

The Procurement Branch, Department of Transportation and Public Works, has established a pre-discounted tariff for government employee household moves. The tariff is applicable to all moves either within the Province or for moves to Nova Scotia from other provinces. The Procurement Branch, Purchasing Agency, has also established a registry of movers who have been pre-qualified to carry out these moves.

Method of Travel

The employee and his/her immediate family may travel by automobile, and charge the allowable mileage rate for employees, or by bus, train, or aircraft, using the rules applicable in the Government of Nova Scotia Travel Policy.

Items Included in Removal Expenses

Locating New Accommodation

The employer will pay travelling expenses incurred by the employee and his/her immediate family, including living expenses for not more than 10 days for the purpose of locating new housing accommodations. Further extensions require the prior approval of the deputy head of the employing department.

Temporary Living Expenses

The employer will pay temporary living expenses of a single employee without immediate family to a maximum of 14 days and for an employee and his/her immediate family to a maximum of 30 days, extended if necessary to a further 14 days at the discretion of the deputy head of the employing department.

Realty Agency Costs

The employer will pay the actual cost incurred in selling the employee's residence at the place from which the employee is transferred, including multiple listing charges, but not exceeding prevailing rates in that area. Necessary legal fees and mortgage interest penalty costs will also be covered by the employer, provided the residence is listed for sale within 60 days of the transfer notification.

Rental Accommodation Costs

The employer will pay the actual expenses incurred for fulfilment of the employee's legal liability under a lease for accommodation at the place from which he/she was transferred.

Purchase of a Home

The employer will pay the actual legal fees, deed transfer fees, deed transfer taxes, and survey fees paid by the employee who owns his/her own home in the purchase of a new home due to transfer.

Moving and Storing Household Effects

The employer will pay the cost of fees related to packing, unpacking, cartage, and freight of the employee's household effects and necessary storage of these effects to a maximum of 30 days, including insurance thereon while in storage and/or in transit.

Storage charges on household effects in excess of 30 days shall not be considered as removal expenses, unless the Deputy Minister of the employing department certifies that the excess period of storage is necessary due to circumstances beyond the control of the employee.

Miscellaneous Expenses

The employer will allow up to $1,000.00 to cover documented allowable miscellaneous expenses, such as:

- disconnecting telephones, stoves, and other household equipment
- connecting such equipment as was in use by the employee prior to his/her transfer (not including television or radio aerials)
- cleaning drapes and rugs, or as an allowance towards the purchase of drapes and rugs similar to those in use by the employer prior to his/her relocation, at the discretion of the Deputy Minister
- any other expenses authorized in this section or as approved by the Deputy Minister of the employing department.

Moving Expenses for a Mobile Home

Moving expenses for a mobile home, including disconnecting and reconnecting services, may be paid provided that the total cost of such a move does not exceed comparable removal expenses involving conventional housing.

Cash Advance or Equivalent

The Deputy Head of the department in which the transferred employee works may:

- authorize issuance of a cash advance of the estimated cost of the removal expenses
- on receipt of invoices for transportation, cartage, and other eligible expenses, request that the Minister of Finance pay the invoices. Such payments are considered an advance to the employee pending approval of his/her account for removal expenses.

When an advance is made by either of the above methods, the employee shall account for it within 30 days after the date of arrival at the place of duty to which he/she has been transferred. Any unexpended balance must be refunded forthwith, failing which the amount due will be recovered from the employee's salary.

If the employee incurs expenses related to his/her transfer before receiving written confirmation of transfer, the employer shall not be liable for such expenses.

Financial Hardship

Where, in the opinion of the deputy head, an employee suffers financial hardship by reason of transfer, additional assistance may be granted in compensation for such hardship by the deputy head of the employing department.

Duplicate Housing Costs

An employee may be reimbursed for part or all of duplicate housing costs. These costs include the interest portion of a mortgage, property insurance, and utility costs paid in respect of the employee's former residence during the period that the employee is also occupying and paying mortgage or other interest for a new residence.

The reimbursement will be limited to the lesser of the actual costs for a period not to exceed three months or $1,000.00.

Bridging Loan

An employee may be reimbursed for all or part of interest payments for a bridging loan to enable the employee to meet the down payment of a new residence pending the sale of his/her former residence. Reimbursement may be claimed for the lesser of interest charges for a maximum of three months or $2,500.00. The maximum principal amount of the bridging loan that can be claimed shall not exceed a figure equivalent to 25 per cent of the purchase price of the new residence.

Other Expenses

Expenses not outlined in this policy may be reimbursed if deemed necessary by the deputy head of the employing department under the circumstances, and such expenses are first approved by the Public Service Commissioner and receive final approval by the Minister of the employing department.

Return Service Commitment

An employees who receives reimbursement for relocation expenses for any transfer but does not remain in the continuous employ of the Government of Nova Scotia for a two-year period is responsible for repaying to the government prior to his/her departure a pro-rated proportion of the reimbursement received (Calculation: 104 weeks of service less the number of completed weeks of service divided by 104 weeks of service and multiplied by the total amount of travel and removal reimbursement). By accepting reimbursement, the employee is deemed to have accepted this condition. This requirement shall not, subject to the approval of the Deputy Head of the employing department, apply to any employee whose employment is terminated through no fault of the employee.

MOVING EXPENSES ON APPOINTMENT

Reimbursement

The province may provide reimbursement for reasonable travel and relocation expenses to an appointee when in the opinion of the deputy head of the appointing department it is deemed necessary and/or advisable to effect the recruitment of the individual. Appointees are eligible for an accountable advance to assist in defrayal of expenses. Expenses not outlined in this policy may be reimbursed if deemed necessary by the deputy head of the appointing department under the circumstances and such expenses are first approved by the Public Service Commissioner and receive final approval by the Minister of the appointing department.

Distance

Appointees do not qualify for assistance towards relocation expenses where the appointee is a resident of the Province of Nova Scotia and lives within 160 kilometres of the place of duty.

Variation

Increased expenses associated with travel and relocation will be permitted only following approval in writing from the deputy head of the appointing department.

Approval by Minister

Appointees are to be advised of entitlement towards travel and removal expenses only following approval by the Minister of the appointing department. Where appointees incur expenses related to relocation before receiving advisement from the Minister of the appointing department, the province shall not be liable for such expenses.

Movement of Persons

Appointees eligible for removal assistance under this directive must use the most efficient and economical means of travel, accommodation, and removal of household effects, and all claims must be in conformity with the Nova Scotia Government Travel Policy.

Expenses in Advance of Removal

The employer will pay for the expenses of the appointee and spouse associated with securing accommodation in advance of removal for a term not to exceed five days.

Removal of Appointee and Dependents

The employer will provide coverage for a one-way trip for the appointee and his/her immediate family from the appointee's present residence to the location of the appointment with the government or the appointee's future residence for a duration not to exceed four days.

Arranging Movement of Household Effects

The Department of Transportation and Public Works Procurement Branch has established a pre-discounted tariff for government employee household moves. The tariff is applicable to all moves either within the province or for moves to Nova Scotia from other provinces. The Procurement Branch, Purchasing Agency, has also established a registry of movers who have been pre-qualified to carry out these moves.

Claimable Expenses

The government is responsible for household effects removal cost as follows:

- loading from the former residence
- cartage and transportation
- delivery to and unloading at the new residence
- cost of mattress and wardrobe cartons and china barrels packed by the carrier
- crating, packing, and unpacking of china, glass, and breakable items, which shall be done by the mover provided that the appointee makes articles to be packed and moved readily available for the movers
- comprehensive transit protection at the standard tariff rate for a minimum declared value—excess coverage is the responsibility of the appointee
- storage of household effects not to exceed 30 days.

The appointee will be responsible for:

- all costs for the removal of items not considered to be household effects
- all removal costs not specifically designated as government responsibility above, including any charges for connecting and disconnecting of appliances.

Realty Agency Costs
The government will reimburse the appointee for real estate sales commission and legal fees incurred in the disposal of the appointee's home. The appointee will be responsible for all legal and realty costs associated with the acquisition of new accommodations.

Method of Travel
The appointee and his/her immediate family may travel by automobile, and charge the allowable mileage rate for employees, or by bus, train, or aircraft, using the rules applicable in the Nova Scotia Government Travel Policy.

Return Service Commitment
An appointee who receives reimbursement for relocation expenses on appointment but does not remain in the continuous employ of the Government of Nova Scotia for a two-year period, is responsible for repaying to the government prior to his/her departure a pro-rated proportion of the reimbursement received (Calculation: 104 weeks of service less the number of completed weeks of service, divided by 104 weeks of service and multiplied by the total amount of travel and removal reimbursement). By accepting reimbursement the appointee is deemed to have accepted this condition. This requirement shall not apply to any appointee whose employment is terminated through no fault of the appointee.

Accountability

APPOINTEES

Appointees are responsible for making claims for moving expenses on appointment in accordance with the terms of this policy.

EMPLOYEES

Employees are responsible for making claims for moving expenses on transfer in accordance with terms of this policy.

MANAGERS/SUPERVISORS

Managers/supervisors are responsible for ensuring that no commitment is made to any employee/appointee that contravenes the terms set out in this policy.

DEPUTY HEAD

The deputy head of the employing department is responsible for approving all claims made under this policy.

Monitoring

Departments are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental practices to ascertain compliance by departments with this policy.

References

Nova Scotia *Civil Service Act* and regulations

Collective agreements between the Public Service Commission and NSGEU

Government of Nova Scotia Travel Policy

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: September 7, 2000	*Manual release date: January 9, 2003*
Approved by: Executive Council	*Most recent review: April 1, 2001*

7.3 Gasoline Credit Cards

Purpose of Credit Cards

The Department of Finance will make available a Province of Nova Scotia Gasoline Credit Card for the use of government departments. These cards are issued to departments for the purchase of fuel, lubricating products, and the payment of small emergency repairs to vehicles that are owned or leased by the Province of Nova Scotia. Vehicles being serviced must be identifiable as being registered to or leased by the Province of Nova Scotia.

Departments are responsible for the use of cards and for the authorization of subsequent payments of any charges.

Requisitioning Cards

On receipt of a completed Gasoline Credit Card Advice/Request, authorized by the department head or delegate, the Department of Finance, Payment of Accounts section will issue a card for the department's official use. Each credit card will have an expiry date, different from department to department, but the same within the department. The number on each credit card will be assigned by the Department of Finance, Payment of Accounts section.

Guidelines for Use of Cards

In order to ensure control over these cards, the following guidelines must be followed:

- Personnel making credit card purchases must ensure that the following appear on the invoice:
  - date of purchase
  - vehicle's licence number
  - purchaser's signature
  - quantity of purchase
  - nature of any repairs
- Cards may be used only within the province of Nova Scotia.
- Harmonized Sales Tax and GST should not be included on invoices for labour, parts, oil, etc.

- Cards will be issued in the name of the user department and normally will include the vehicle licence number for which the card is issued. In unusual circumstances, the name of the individual responsible for the card may be substituted for the vehicle licence number.
- All cards are issued for a two-year term, but have an expiry date that differs from department to department, but is consistent for all cards issued to a department. Thirty working days before the expiry date, departments must supply the Department of Finance with a list of present cards and the number of new cards required. New cards will then be issued to departments before the expiry date. Once new cards have been received, the old cards must be returned to the Department of Finance.
- Each user department is responsible for immediately reporting any lost or stolen cards to the Payment of Accounts section at the Department of Finance. If a card reported lost or stolen is recovered, it should not be used but returned promptly to the Department of Finance, as oil companies will be informed of all lost or stolen cards.
- Upon receipt of a completed Gasoline Credit Card Advice/Request, a replacement card will be issued. Explanation of the reasons a replacement is needed will be given.
- Cards that are to be cancelled must be returned to the Department of Finance.
- The Department of Finance has the authority to recall or cancel any card at any time.

List of Authorized Signatures

User departments should maintain a log of authorized employees for each card issued. The authorized person's name should be followed by a specimen signature.

Accountability

Vendors will forward monthly statements of credit card usage directly to the user department. The user department is responsible for verifying the charges and matching them to the receipt of purchase. It must be pointed out that departments are responsible for all charges against their credit cards.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: September 1995	*Manual release date: January 9, 2003*
Approved by: Department of Finance	*Most recent review:*

Chapter 8: Training and Development

8.1 Human Resources Development

Purpose

This chapter outlines the policy of the Government of Nova Scotia with respect to the development of its human resources and provides guidelines for all branches of government in the application of the policy.

Note: All references to "department" in this chapter refer to the departmental personnel specialist (where that individual is normally assigned responsibility for human resource development activity).

Policy Framework and Basic Objectives

Sound human resource management is as critical to the effective development and implementation of government policies and programs as the management of financial and capital resources. The development of human resources, in accordance with organizational goals, is recognized as an essential component of human resource management and an accepted cost of government operations.

It is, therefore, the policy of the Government of Nova Scotia to ensure that human resource development is carried out, where necessary and appropriate, in order to meet the following basic objectives:

- to maintain a civil service of the highest quality with individuals and teams who have the personal and professional knowledge and skills to develop and effectively implement Nova Scotia government policies and programs
- to meet the future needs of the Nova Scotia government for qualified employees.

Staff Training

PURPOSES OF TRAINING

Training will be provided when supported by management as necessary and appropriate in order to meet the following purposes.

JOB-RELATED TRAINING

To enable employees to maintain a satisfactory level of performance in their present function.

STATE-OF-THE-ART TRAINING
To enable employees to remain abreast of current technology in their area of work.

DEVELOPMENTAL TRAINING
To prepare employees for future promotions or lateral mobility, whether related to a specific position or to a category of positions for which they have demonstrated potential.

RETRAINING
To assist the incumbents of redundant positions to acquire skills necessary to meet the requirements of available positions.

SAFETY TRAINING
To ensure that employees are capable of meeting safety standards established for the workplace.

REMEDIAL TRAINING
To allow employees whose performance is unsatisfactory to continue in their present positions or in other positions for which their qualifications may be better suited.

Roles and Responsibilities

The following is an outline of the roles and responsibilities of the Public Service Commission, departments, and employees for staff training and development.

PUBLIC SERVICE COMMISSION

The Public Service Commission is responsible for:

- providing advice and consulting services to departments in identification of needs and selection, design, conduct, and evaluation of training and development programs
- coordinating, developing, and contracting training and development programs to meet service-wide needs
- developing comprehensive human resource development policies that meet the requirements of the Government of Nova Scotia
- developing service-wide systems for the planning, control, delivery, and evaluation of training and development.

DEPARTMENTS AND AGENCIES

Departments and agencies are responsible for:

- identifying the training requirement of their employees in order to meet operational needs and government policy objectives

- reporting to the Public Service Commission their requirements for service-wide training
- making arrangements to ensure that staff are appropriately trained to meet identified needs
- developing and operating training programs in cases where the training needs are unique to the department or agency.

EMPLOYEES

Employees are responsible for:

- acquiring the knowledge and skills necessary to perform their present jobs effectively
- identifying, in conjunction with their managers, areas in which their knowledge and skills are, or may be, deficient
- participating in training activities provided by management (which may include formal training programs and/or on-the-job training and experience)
- ensuring that job knowledge and skills once outlined are maintained
- acquiring on their own time and at their own expense any additional training and/or education required to meet their personal development goals.

Administrative Guidelines

IDENTIFICATION OF TRAINING NEEDS

Employee training needs are identified jointly by the employee and manager by means of the following process:

- Establish performance expectations for the job.
- Identify discrepancies between expected and actual performance.
- Isolate those performance gaps or problems that are due to knowledge or skill deficiencies and are not caused by other individual, organizational, or managerial problems.
- Identify the level of knowledge or skills that the employee requires to perform the job effectively.

IDENTIFICATION OF APPROPRIATE TRAINING ACTIVITY

The identification of department-specific training activities is the responsibility of departments. Consultative assistance is available from the Public Service Commission.

Identification of service-wide training activities is the responsibility of the Public Service Commission in consultation with departments. These responsibilities include:

- establishing learning objectives based on knowledge and skill requirements

- establishing evaluation criteria to permit measurement of the effect of training on performance
- identifying alternative learning activities, which may include:
    - on-the-job coaching and feedback
    - programmed instruction
    - assigned reading
    - special projects and work assignments
    - formal training courses
- selecting or developing a learning activity or combination of activities judged most appropriate to meet the training needs.

SELECTION OF TRAINEES

It is the responsibility of departments to select employees for training in accordance with consideration for departmental priorities, equity, identified employee needs and capabilities, and any eligibility criteria established for training activity.

Some types of training should be provided to all appropriate employees, for example: orientation training for new employees and training related to safety, technological change, or legislative or policy changes. Other forms of training are by their nature of limited applicability, for example: retraining or remedial training. Employees should be selected for development training on the basis of a high level of performance, demonstrated interest, capacity to accept increased responsibility, and developmental initiatives taken independently by the employee.

IMPLEMENTATION

Implementation of training is the responsibility of the department in the case of department-specific training and of the Public Service Commission in the case of service-wide training.

FOLLOW-UP

On completion of the training, the employee is responsible for developing a plan of action for on-the-job implementation of the acquired knowledge/skills. The employee's manager is responsible for confirming the action plan and facilitating its implementation.

EVALUATION OF TRAINING

This is essential to determine whether the training has met the needs of the department and the individual. Such feedback may be secured by:

- questionnaires and/or tests upon completion of training, for which the organization delivering the training is responsible
- systematic follow-up of the trainee's performance on the job to measure change, for which the department is responsible. Consultative assistance is available from the Public Service Commission.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	*Manual release date: January 9, 2003*
Approved by:	*Most recent review:*

8.2 Employee Orientation

In order to function effectively in a new position, employees must acquire within the first weeks and months of employment, information related to their work and work environment.

Employee orientation is therefore an essential human resource management function, and it is the policy of the Nova Scotia government that all new employees will receive, within a reasonable period of time following their appointment, orientation with respect to their duties, work environment, and terms and conditions of employment.

Effective communication of this information is essential for the development of employee performance and for the formation of positive attitudes with respect to the employee's work, supervision, and the Nova Scotia government as an employer.

Roles and Responsibilities

Each department and agency is responsible for the development and implementation of an orientation program appropriate to the specific needs of its employees.

Program development will normally be the responsibility of the department's personnel staff. Responsibility for program implementation should be shared amongst the employee's manager, personnel staff, and senior management. Their respective involvement will vary in accordance with factors specific to each department. In all cases, however, the manager's role should be recognized as having the greatest importance.

Administrative Guidelines

While the approach to orientation program design and implementation may vary across departments, all new employees are to receive an introduction to their position duties, work unit, department, and the Nova Scotia government and information about their rights, responsibilities, and career opportunities as Nova Scotia civil service employees.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
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8.3 Educational Leave

Purpose

The capacity of organizations to meet their present and future knowledge/skill requirements is essential. Requirements for certain types of knowledge and skills can be most effectively and economically met by means of educational leave.

Note: If any provision in this policy conflicts with policy established for health care institutions, the health care policy will prevail.

Definitions

EDUCATIONAL LEAVE

Educational leave refers to leave from duty on a part- or full-time basis for the purpose of taking advanced or supplementary training, where the duration of the leave in total exceeds 30 working days per year.

FINANCIAL ASSISTANCE

Financial assistance refers to money paid to or on behalf of an employee for the purpose of participating in an educational program. It may include all or some portion of the employee's salary and/or course-related costs, including:

- tuition
- travel expenses
- books and other required materials
- laboratory fees
- registration fees
- any other related, legitimate expenses.

Roles and Responsibilities

THE PUBLIC SERVICE COMMISSION

The Public Service Commission will:

- assist managers in identifying suitable educational programs to meet training/development needs
- prepare periodic reports on the service-wide utilization of educational leave/assistance and related financial implications.

DEPARTMENTS AND AGENCIES

The department or agency concerned will:

- ensure that all reasonable requests by employees for educational leave/assistance are considered fairly and equitably
- ensure that training/development needs referred to in submitted applications are consistent with overall departmental objectives, priorities, and plans
- submit recommendations for educational leave and financial assistance to the Deputy Minister of their department
- ensure that educational leave and related financial assistance are granted in accordance with the terms and conditions established by this policy
- monitor compliance with the conditions established by the policy by maintaining an educational leave information system.

Administrative Guidelines

ELIGIBILITY FOR LEAVE AND FINANCIAL ASSISTANCE

Any civil service employee who is recommended by his/her department as a candidate for staff training and development in order to more effectively carry out his/her present or planned future responsibilities is considered eligible to receive leave and financial assistance.

AMOUNT OF FINANCIAL ASSISTANCE

Educational leave may be fully subsidized, partially subsidized, or granted with no financial assistance. The amount of financial assistance granted to an employee for educational leave is proportional to the benefit that the department can reasonably expect to derive from its investment. Financial assistance should therefore be determined according to the following guidelines:

Full salary plus full tuition and any other agreed-upon expenses

Fully subsidized educational leave may be granted when the educational program:

- meets a knowledge/skill requirement that is essential for the efficient and effective operation of a departmental program
- relates specifically to the employee's present or planned work requirements
- primarily benefits the department.

Partial salary and/or agreed-upon expenses

Partially subsidized educational leave may be granted when the educational program:

- contributes significantly to the department's operations but is not essential

- is generally related to the employee's present or planned work requirements
- mutually benefits the department and employee.

No financial assistance

Leave for educational purposes may be granted without pay or other financial assistance when the educational program:

- is not required by the department
- is not related to the employee's present or planned work requirements
- primarily benefits the employee.

FINANCIAL ASSISTANCE FROM ANOTHER SOURCE

If an employee receives financial assistance for educational purposes from a source other than the Nova Scotia government (for example: scholarships, bursaries, etc.), the government financial assistance for which he/she is eligible will be reduced by the total amount received from other sources.

AUTHORIZATION OF LEAVE/FINANCIAL ASSISTANCE

Educational leave, with or without financial assistance, is authorized by the Deputy Minister of the employee's department.

RETURN SERVICE COMMITMENT

Financial assistance is provided to employees on educational leave as a loan that is repayable through service to the government for a prescribed period upon completion of the educational program.

An employee who is granted educational leave with financial assistance is, therefore, required to sign a non-interest-bearing demand note for the amount of financial assistance received as well as a return service agreement stating the length of service that he/she is required to provide in return for the assistance received.

No return service commitment is required on non-financially assisted leave.

CALCULATION OF RETURN SERVICE COMMITMENT

The minimum return service commitment is calculated at the rate of one month return service per $1,000 financial assistance on amounts exceeding $6,000. A minimum return service commitment of six months is applied on any amount of financial assistance between $1,000 and $6,000. A maximum return service commitment of 36 months applies to financial assistance exceeding $36,000.

FAILURE TO FULFIL RETURN SERVICE COMMITMENT

Should an employee fail to complete the required return service commitment, the demand note will be credited with an amount that bears the same ratio to the financial assistance paid by the government as the completed service bears the total return service commitment. The balance of the demand note will be processed for collection.

PROOF OF SUCCESSFUL COMPLETION

Employees are required to submit to the deputy head of their department proof of successful completion of the educational program or confirmation of unsuccessful standing.

Employees who do not successfully complete their program of study or fail to fulfil the requirements of the course attended will cease to be entitled for financial assistance, but are still obligated to fulfil the return service or repayment commitment on a proportional basis.

EMPLOYEE BENEFITS DURING EDUCATIONAL LEAVE

Educational leave with full or partial pay

- Regular premiums for group medical and life insurance continue to be paid by payroll deductions, and normal coverage is maintained.
- Superannuation contributions continue to be paid by payroll deductions, and the period of leave is regarded as service for superannuation purposes.
- Sick leave, vacation leave, and Public Service Award entitlements continue to be earned at the regular rate in accordance with provisions of the regulations under the *Civil Service Act* or the employee's collective agreement.
- Employees shall receive salary increases brought about by a negotiated increase or cyclical review.
- An employee may be granted a merit increment during leave. The employee's increment review date remains unchanged.

Educational leave without pay

- The government continues to pay its share of group medical and life insurance premiums on behalf of employees on educational leave without pay only if the employee's contributions are maintained. Employees must arrange with the Department of Finance to pay their share of insurance premiums so that coverage is maintained during leave.

- The government continues to make superannuation contributions on behalf of employees on leave without pay only if employee contributions are maintained. Employees must arrange with the Department of Finance for payment of their share of superannuation contributions.
- Sick leave, vacation leave, and Public Service Award credits are not earned during each calendar month of leave in which the employee does not receive salary for more than eight days.
- The employee's increment review date is deferred by the number of months of leave.

Short Course Leave, Course Subsidization

Many knowledge/skill requirements can be met by educational programs that do not require educational leave. For example:

- short courses (courses of less than 30 working days duration)
- study outside of working hours (correspondence courses, evening courses).

Granting of leave and/or financial assistance for such activities is authorized by each department.

The guidelines provided on pages 8-9 to 8-12 for determining amount of financial assistance may be applied to these categories of educational activity as well.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review:***

Chapter 9: Performance Management

9.1 Performance Management Policy

Policy Statement

The Government of Nova Scotia is committed to supporting the growth and development of employees through effective performance management. A key element of performance management is the translation of government and department business plans into individual and team performance targets and competencies to ensure employees are able to contribute in a meaningful fashion. Performance management is an integral component of providing excellence in service to the general public. It is recognized that employees are the enablers of responsive and effective government, and performance management empowers employees to achieve their full potential within government.

Policy Objectives

This policy establishes methods for managing the human resources of government in an effective manner. The goals of the Performance Management Policy are to:

- achieve corporate plans and goals by linking individual and team performance objectives to department business plans
- provide a balanced approach for measuring performance results and competencies
- develop core competencies that reflect the values and skills that are necessary for individual and government success
- develop people through regular constructive coaching and dialogue
- promote job satisfaction in a motivating environment and recognize and reward good performance.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and bargaining unit staff who are employed by the Government of Nova Scotia as identified in the collective agreements between the Nova Scotia Public Service Commission and Nova Scotia Government Employees Union, and the Nova Scotia Department of Justice and the union representing corrections employees, insofar as the provisions do not conflict with existing collective agreements.

Policy Directives

- Each employee will have a performance appraisal conducted annually, or on a change of position or appointment, or more frequently as required, and will be provided with a copy of the appraisal.

PROBATIONARY EMPLOYEES

- Probationary employees will have interim performance reviews conducted. Managers should check the applicable collective agreement to confirm the length of the probationary period. In circumstances where the probationary period may be extended, the employee must be notified at least one month in advance of the expiry of the initial probationary period. For bargaining unit employees, the length of the probationary period is specified in the relevant collective agreement.
- Where unsatisfactory performance is identified concerning a probationary employee and reasonable steps are taken to give the probationary employee an opportunity to make the required improvements and this fails to address the performance issues, the employment of the probationary employee shall be terminated.
- Employees who satisfactorily complete the probationary period and are appointed on a permanent basis must be provided with ongoing performance reviews that are consistent with the process of evaluation, performance appraisal, and, if necessary, performance improvement.

PERFORMANCE PLAN

- A performance appraisal includes the completion of a performance plan, which must be established jointly by the manager in consultation with the employee to ensure a clear understanding of performance targets and expected results. Individual performance targets must be linked to department business plans and must include performance standards, measures, and indicators.
- A performance plan must be documented using the appropriate Performance Plan Form.
- Employee performance must be formally reviewed in relation to the performance targets and expected results as established in the performance plan.
- A performance plan must identify training and development activities that support achievement of performance targets and identify opportunities for promotion/advancement.

PERFORMANCE COACHING

- Managers and employees must jointly keep track of the performance plan and identify shortcomings and solutions in a timely fashion.
- Managers should provide employees with ongoing feedback and coaching regarding job performance throughout the review period.

ACCESS TO PERFORMANCE APPRAISALS

- Performance appraisals are to be reviewed by the immediate superior of the manager who is responsible for preparing the appraisal to ensure that appraisals are comprehensive and consistently reflect performance standards established.
- Performance appraisals are strictly confidential and are not to be shared beyond the employee, the immediate manager, the reviewing superior, the Deputy Minister, and human resources staff without the consent of the employee.
- The Public Service Commissioner has the right to access performance appraisals from the departmental employee master file for the purposes of carrying out the responsibilities established pursuant to the *Civil Service Act*.

UNSATISFACTORY JOB PERFORMANCE

- A manager is responsible for identifying and reviewing facts that are relevant to unsatisfactory job performance. All information collected must be properly documented. Unsatisfactory performance by employees must be addressed with the employee by the manager in a timely fashion. Specific information concerning the areas of deficiencies and the improvements expected must be provided to the employee, which should include, where appropriate, a specific date by which improvement is expected to be achieved. The manager should inform the employee of the availability of the Employee Assistance Program.
- An employee who disagrees with the evaluation of his/her performance may respond to the evaluation by providing either a verbal or written response to their manager.
- If a manager has a reasonable basis for believing that an employee is intentionally failing to meet the performance requirements of the position, this may result in disciplinary action, up to, and including, termination. A manager should consult with their respective Deputy Minister, Human Resources Director, and Staff Relations Consultant prior to administering disciplinary action.

MERIT INCREMENT

The granting of a merit increment is contingent upon an employee successfully meeting their individual performance targets as reflected in their annual performance appraisal. Reference should be made to the collective agreement or civil service regulations as appropriate.

Policy Guidelines

Policy guidelines for performance management may be developed.

Accountability

DEPUTY MINISTERS

Deputy Ministers are responsible for:

- ensuring that managers are held accountable for conducting performance appraisals on an annual basis
- ensuring that every manager has a performance appraisal conducted
- ensuring that the Performance Management Policy and Guidelines are followed
- explaining corporate/department targets and priorities to senior mangers
- ensuring that the quality of performance assessments prepared by senior managers is maintained
- submitting assessment and performance ratings to the Public Service Commission.

SENIOR MANAGEMENT AND MANAGERS/SUPERVISORS

Senior management and managers/supervisors (within departments) are responsible for:

- participating fully in the performance management process
- establishing individual performance targets in consultation with their deputy minister
- fulfilling their individual performance targets
- establishing individual performance targets with employees
- reviewing employees' performance annually or as required
- recommending a performance rating to deputy heads
- focusing on coaching, supporting, and developing their employees
- recognizing and supporting good employee performance
- dealing with performance deficiencies constructively and in a timely fashion
- ensuring that poor performance is clearly and consistently handled
- promoting communication, understanding, and dialogue between individuals and teams in the organization.

HUMAN RESOURCES DIVISIONS/CORPORATE SERVICES UNITS

The Human Resources Divisions/Corporate Services Units are responsible for supporting Deputy Ministers, senior managers and managers/supervisors, and employees with performance management.

EMPLOYEES

Employees are responsible for:

- participating in the establishment of individual performance targets
- being accountable for meeting the individual performance targets
- participating fully in the performance management process
- encouraging regular constructive dialogue and feedback on their own performance.

Monitoring

Departments are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental performance management practices to ascertain compliance by departments with this policy.

References

Nova Scotia *Civil Service Act* and regulations

Collective agreements between the Public Service Commission and the NSGEU, and Department of Justice and the union representing corrections employees.

Performance Appraisal Forms

- Management Employees
- Bargaining Unit Employees

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: December 1, 1998

Approved by: Judith Sullivan-Corney, Deputy Minister

Manual release date: January 9, 2003

Most recent review:

9.2 Personal Protection Policy

Policy Statement

The Government of Nova Scotia is committed to providing service to the public in an environment that is safe and respectful. The government has a duty to take reasonable steps to preserve the safety of the workplace for both the people to whom service is provided and employees. The use of physical force or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, by employees of the Government of Nova Scotia, is strictly prohibited except where there is a belief, on reasonable grounds, that it is necessary in order to prevent personal injury or property damage or escape from lawful custody or to maintain order. It is recognized that some workplaces present a risk of violence in which the use of force by employees may be required. The employer has a duty to inform employees of the risk of violence and of the lawful use of force and to minimize the risk of workplace violence.

Policy Objectives

The purpose of the policy is to ensure that reasonable steps are taken to create and maintain a safe environment in the workplace for providing service to the public. The policy has been developed in accordance with the following goals:

- respect for the dignity of both employees and the people to whom service is provided
- the creation and maintenance of an orderly and safe working environment.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Province of Nova Scotia.

Policy Directives

- The employer and employees of the Government of Nova Scotia must take reasonable steps to reduce the likelihood of workplace situations that may result in the use of force or employee exposure to violence.

- The use of physical force or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, by employees of the Government of Nova Scotia, is strictly prohibited except where there is a belief, on reasonable grounds, that it is necessary in order to prevent personal injury, property damage or escape from lawful custody or to maintain order.
- No more force than is reasonably necessary shall be used.
- The use of physical force, including corporal punishment, or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, shall at no time be used as a form of discipline.
- The use of inappropriate or excessive force shall be deemed to be a violation of this policy.
- A failure to comply with the terms of this policy will result in appropriate disciplinary action being taken that is consistent with collective agreements that the province has with both the NSGEU and CUPE, and the Government of Nova Scotia Management Manual 500.
- All government departments must undertake a hazard assessment, for each workplace, identifying the potential for risk of employee exposure to violence and the potential for the use of force.
- Where a hazard assessment indicates a potential for risk of employee exposure to violence and the potential for use of force, a department is responsible to develop a policy and procedures, to be approved by the Deputy Minister of each department, that are consistent with the policy objectives and directives contained in the Government of Nova Scotia Personal Protection Policy. The procedures must address the following matters:
    - a definition of reasonable force that is consistent with the philosophy and mandate of the respective sector in the context of the nature of the services that are provided to the public, and that is consistent with the Criminal Code of Canada and other relevant legislation
    - guidelines relating to obtaining consent to the use of force for therapeutic or treatment purposes
    - a review mechanism to monitor compliance with the Personal Protection Policy
    - a mechanism for the coordinated, annual review of the Personal Protection Policy and procedures
- a training plan to provide for the implementation of the Personal Protection Policy and procedures

- a communication plan for the dissemination of information to employees regarding the Personal Protection Policy and procedures, including information in written form with respect to the use of force, which contains information about the investigative procedure and complaint procedure.

Policy Guidelines

Policy guidelines may be developed by departments to assist in the implementation of this policy. Departments are responsible to provide leadership and direction to assist agencies, boards, and commissions in developing policy consistent with the Personal Protection Policy.

Accountability

Deputy heads are responsible for ensuring that their respective government departments develop a policy and procedures that are consistent with the policy objectives and directives contained in the Government of Nova Scotia Personal Protection Policy.

Monitoring

The Personal Protection Policy of each respective government department shall be reviewed by the Public Service Commission on a periodic basis to ensure compliance with the Government of Nova Scotia Personal Protection Policy.

References

Criminal Code of Canada
Nova Scotia *Occupational Health and Safety Act*
Government of Nova Scotia Occupational Health and Safety Policy

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: January 24, 2000
Approved by: Judith Sullivan-Corney, Deputy Minister

Manual release date: January 9, 2003
Most recent review:

9.3 Sexual Harassment and No Discrimination Policy

Policy Statement

The Government of Nova Scotia and the Nova Scotia Government Employees Union recognize the right of employees to work in an environment free from sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* and are committed to working co-operatively to achieve this environment.

It is the policy of the Government of Nova Scotia that sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* will not be tolerated. Individuals who engage in such behaviour shall be subject to disciplinary action up to and including termination.

Sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* are prohibited whether they occur at the workplace or elsewhere in the course of employment responsibilities or working relationships (for example, at work-related social functions, at work-related conferences or training events, or during work-related travel).

It is management's responsibility to take reasonable measures to ensure that the work environment is free from sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*; however, achieving this goal depends upon the co-operation and mutual respect of all employees.

A range of informal and formal response options is provided in order to respond sensitively to the needs of complainants.

All sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* complaints and responses shall be treated as confidential matters subject to the requirements of this policy and procedures.

Deputy Ministers and heads of agencies shall ensure that education and training about sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* are made available to staff in accordance with standards determined by the Public Service Commission.

Definitions

HARASSMENT BASED ON THE PROTECTED CHARACTERISTICS SET OUT IN THE *NOVA SCOTIA HUMAN RIGHTS ACT*

- No person shall discriminate against an individual or class of individuals on account of age, race, colour, religion, creed, sex, sexual orientation, physical disability, or mental disability, an irrational fear of contracting an illness or disease, ethnic, national, or aboriginal origin, family status, marital status, source of income, and political belief, affiliation, or activity.
- A person discriminates where he or she makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in the clause above that has the effect of imposing burdens, obligations, or disadvantages on an individual or class of individuals not imposed upon others or that withholds or limits access to opportunities, benefits, and advantages available to other individuals or classes of individuals in society.

SEXUAL HARASSMENT

- Objectionable, coercive, or vexatious comment or attention of a sexual nature to a person or persons that is known, or ought reasonably to be known, to be unwelcome.
- Actions or communications with a sexual connotation or component that are directed at no person in particular, but that create an intimidating, demeaning, or offensive work environment.

Sexual harassment shall include, but not be limited to the following:

- Any comment, communication, innuendo, or conduct that emphasizes sexuality or sexual orientation in what may be perceived as a humiliating, intimidating, aggravating, demeaning, or offensive manner.
- Unwanted sexual request or advance, inappropriate touching, or sexual assault.
- Any implied or expressed reprisal, or threat of reprisal, or denial of opportunity for refusal to comply with a sexually-oriented request.
- Any implied or expressed reward for complying with a sexually-oriented advance or request.
- Displaying pornographic, offensive, or derogatory pictures or text.
- Any repeated or unwarranted verbal or physical sexual advances, sexually explicit derogatory statements, or sexually discriminatory remarks that are offensive and objectionable to the recipient, that cause the recipient discomfort or humiliation, or that interfere with the recipient's job performance.
- Telephone calls with sexual overtones.

- Persistent, unwanted social invitations.
- Persistent leering at a person's body.
- Reprisal or threat of reprisal against an individual for any action taken by the individual pursuant to this policy and procedures.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Government of Nova Scotia.

Policy Directives

ADVISORY SERVICES

Advisors based in Nova Scotia government departments and agencies, and Employee Relations Officers of the Nova Scotia Government Employees Union, are available to provide confidential assistance and advice to employees on matters related to sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*.

Role of advisors

- to provide, on a confidential basis, information to employees (including complainants, potential complainants, alleged harassers, and witnesses) concerning the policy and procedures on sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* and optional courses of action available to them
- to be supportive and non-judgmental towards those who seek their advice, whether complainants or alleged harassers.

Referral to Advisors

Employees who wish to contact an advisor may do so by calling either the Public Service Commission or the departmental Human Resources Division/Corporate Services Unit, Director of Human Resources and requesting a referral to an advisor concerning sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*. Employee Relations Officers of the Nova Scotia Government Employees Union are an additional source of advice and assistance for bargaining unit employees and may be contacted directly concerning sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*.

Employees need not identify themselves when contacting any of the above referral or advisory resources.

RECORD KEEPING

Employees who experience sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* should keep accurate records of incidents comprising the alleged harassment, including dates, times, reference to actions taken by the complainant, responses of the alleged harasser, responses of managers and witnesses, and any other relevant information. It is not a requirement in order to proceed with a formal complaint; however, such documentation could be vital component of any further action that may be required.

PROCEDURES

Informal Resolution Options

The following informal resolution options are available to both bargaining unit and excluded employees. Selection of either option does not supersede or eliminate the right of bargaining unit employees to the grievance procedure.

Communicating concerns directly to the alleged harasser

If circumstances permit, communicating directly with the person concerned can be an effective way to end the harassment. The employee who is being harassed should inform the person clearly and directly that their behaviour is unwelcome and must stop. If done verbally, it may be useful to have a witness present and to make note of the conversation afterward. If done in writing, a copy of the letter should be kept by the complainant.

Communicating concerns to managers

All managers have an obligation to take reasonable measures to provide a work environment that is free from sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* and to take corrective action should harassment occur. If the complainant feels comfortable doing so, it may be helpful to discuss concerns relating to sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* with their immediate supervisor or with another person in a position of authority and to request their assistance in resolving the situation. As in the case of the first option, the complainant may find it helpful to be accompanied by another person and to keep a record of the discussion and, if the concerns are communicated in writing, to keep a copy of the correspondence.

Formal Complaint Options

If informal processes are not effective in resolving the situation to the satisfaction of the complainant or if the complainant prefers to file a formal complaint immediately, the following options are available:

- the complaint procedure, which applies to all employees, whether bargaining unit or excluded
- the grievance procedure, which applies only to bargaining unit employees.

In the case of bargaining unit employees, selection of the complaint procedure does not supersede or eliminate their right to the grievance procedure.

Complaint Procedure

An investigative committee, composed of individuals selected from various departments and agencies, is responsible for the investigation of complaints filed under this procedure. The process is as follows:

1. Formal complaints must be filed in writing and signed by the complainant. Forms for this purpose may be obtained from advisors on sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*, Public Service Commission, or the Nova Scotia Government Employees Union.
2. The completed complaint form is sent to the Chair, Investigative Committee on actual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*, c/o Public Service Commission, marked "Personal and Confidential."
3. Upon receipt of the complaint, the chair of the committee will inform the Deputy Minister(s) of the department(s) of the complainant and the alleged harasser that the complaint has been filed and that an investigation will take place.
4. The chair of the committee assigns the investigation of the complaint to two members of the committee, one male and one female, neither of whom is an employee in the same department or agency as the complainant or the alleged harasser.
5. The investigators inform the alleged harasser that a complaint has been filed and provide him or her with a copy of the complaint.

6. The investigators interview the complainant, the alleged harasser, and any witnesses and review all documentation. Both the complainant and the alleged harasser will be advised that they have the right to be accompanied during the interview by a union official (in the case of bargaining unit employees), a co-worker, or another support person.
7. The investigators must complete their investigation and file a report and recommendations to the Deputy Minister(s) concerned within 30 days of receiving the complaint.
8. The Deputy Minister of the alleged harasser's department determines on the basis of the investigators' report what action, including appropriate disciplinary action if any, is to be taken. This decision and the rationale for the decision shall be communicated in writing to the complainant, the alleged harasser, the investigator, and the chair of the investigative committee.
9. If at any time after filing a complaint the complainant wishes to abandon the complaint and investigation process, he or she must communicate this in writing to the chair of the investigative committee who shall decide whether the investigation is to be continued.

Grievance Procedure

Bargaining unit employees may, in addition to or instead of the government's formal complaint procedure, file a grievance pursuant to the applicable collective agreement.

The collective agreements provide for grievances concerning sexual harassment to be filed by the griever and/or the union at step three of the grievance procedure, that is at the Deputy Minister level, and for grievances of this nature to be treated in strict confidence by both the union and the employer.

For additional information about the grievance procedure, employees may contact the Nova Scotia Government Employees Union.

External Options for Complainants

The following external complaint options are also available to employees:

- complaint to the Nova Scotia Human Rights Commission
- complaint under the Criminal Code; unwanted physical contact may constitute sexual assault, with proceedings under the Criminal Code.

Accountability

DEPUTY HEAD

Each deputy head is responsible for ensuring the consistent application of this policy.

MANAGERS/SUPERVISORS

Managers and supervisors are responsible for taking all reasonable measures to ensure that the work environment is free from sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*, whether or not a formal complaint has been lodged. The following are some specific suggestions for carrying out this role.

1. Take preventive action.
   - Show that you take the issue seriously. Discuss the policy at staff meetings and make sure that all employees and supervisory staff who report to you are aware of what action to take if harassment occurs.
   - Set an appropriate standard of conduct through your own behaviour. Treat all employees with respect.
   - Actively maintain a harassment-free workplace. Put a stop to offensive jokes or comments, remove unacceptable posters, cartoons, or objects from the workplace.
   - Include discussion of the policy and procedures in orientation sessions for new staff.
2. When approached by an employee with a complaint of sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act*, listen carefully; be supportive and respectful.
   - Explain what options are available and how to contact an advisor if the complainant wishes to do so.
   - Find out about the employee's preferences for dealing with the situation.
   - Address any concerns that the employee may have about filing a formal complaint; for example, provide reassurance about protection from reprisal, advise them about their right to be accompanied during investigative interviews by a union official or other support person.
   - If appropriate, allow time for the employee to consider how he/she wishes to proceed and arrange for a follow-up meeting.
   - Keep a confidential record of all information pertaining to the complaint in a secure place.

3. If the employee files a formal complaint:
   - Provide any assistance that may be required (in obtaining complaint forms, etc.) and indicate that you will be available to discuss any concerns that the employee may have as the formal investigation proceeds.
   - Co-operate with the members of the investigative committee assigned to conduct the formal investigation.
4. Following investigation of whether a formal or informal complaint:
   - Stay in touch with the employee throughout and following the investigation to ensure that he/she is not subject to reprisals as a result of initiating the complaint or taking part in the investigation; if reprisals occur, investigate and recommend appropriate action.
5. If the employee chooses not to file a formal complaint:
   - Explain to the employee that as a manager, you are required under the policy to take action in response to allegations of sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* even in the absence of a formal complaint.
   - If the allegation relates to a very minor form of sexual harassment that can be readily substantiated without formal investigation, and would be unlikely to result in disciplinary action more serious that a verbal reprimand, it may be appropriate for you to resolve the situation informally (e.g., through counselling, awareness training, etc.). Before proceeding, confirm your assessment of the situation by consulting either with your departmental Human Resources Division/Corporate Services Unit or with the Public Service Commission, maintaining confidentiality to the greatest extent possible.
   - If the allegation relates to a form of sexual harassment and any harassment based on the protected characteristics set out in the Nova Scotia *Human Rights Act* that if substantiated would result in a more serious form of disciplinary action, a formal investigation must be undertaken as in the case of any other disciplinary matter. Before proceeding, contact your departmental Human Resources Division/Corporate Services Unit, Director of Human Resources or the Public Service Commission for advice and assistance, again taking appropriate measures to ensure confidentiality.
   - Inform the employee about what action will be taken and address any concerns that they may have.

EMPLOYEES
Employees are responsible for acting in accordance with this policy.

Monitoring

Departments are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental practices to ascertain compliance by departments with this policy.

References

Criminal Code of Canada
Government of Nova Scotia Employee Personal Records Policy
Government of Nova Scotia Personal Protection Policy

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: January 24, 2000
Approved by: Judith Sullivan-Corney, Deputy Minister

Manual release date: January 9, 2003
Most recent review:

9.4 Code of Conduct for Civil Servants

Policy Statement

The Code of Conduct delineates broad principles of basic values and behaviour standards that call for a high-level of ethical conduct by employees designed to enhance confidence in the public service.

Observance of this code serves to ensure that there will be no conflict between an employee's private interests and the Government's primary interest in service to the public efficiently, impartially, and with integrity. It is important to note, however, that this code is not all inclusive, and that certain conduct, even if not proscribed here or elsewhere, may raise conflicts of interest. If other questions arise, they should be settled in accordance with the general principles in this code. Furthermore, the code is to be read in the context of applicable legislation, departmental policies, and contractual provisions directed at avoiding conflicts of interest.

Definition

CONFLICT OF INTEREST

A conflict of interest is any situation in which an employee, either for himself/herself or some other persons(s), attempts to promote a private or personal interest which results in the following:

- an interference with the objective exercise of his/her duties in the public service;
- a gain or an advantage by virtue of his/her position in the public service.

Policy Objective

The objective of the code is to ensure that employees avoid conflicts of interest, and act in the public interest at all times, in the course of the discharge of official duties and functions.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Government of Nova Scotia.

Policy Directives

PRINCIPLES

The principles set out below should be interpreted sensibly and construed broadly. The public interest mandates that employees:

- perform their duties and functions impartially, responsibly, diligently, efficiently, and with integrity
- arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest
- not solicit or accept directly or indirectly, a fee, gift, or benefit from a person or an organization that has dealings with the government where the fee, gift, or benefit could influence the performance of official duties and functions
- benefit from government programs, services, and initiatives only to the extent that a member of the public benefits therefrom
- benefit from information that is obtained in the course of employment only to the extent that a member of the public may benefit therefrom
- not benefit from, use, or permit the use of government property, including property leased to the government, or government services for anything other than in the course of the performance of official duties and functions, and otherwise only to the extent that a member of the public may use or benefit therefrom
- in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably
- maintain appropriate confidences
- observe all laws and rules
- treat other employees with respect and dignity
- not use their position, office, government affiliation or government information or property to pursue personal interests
- act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law
- not accord preferential treatment in relation to any official matter to family members or friends, or to organizations in which the employee, family members, or friends have an interest, and take care to avoid being placed, or appearing to be placed, under obligation to any person or organization that might profit from special consideration by the employee
- disclose to the Deputy Head of the department, agency, board, and commission that an employee's spouse or dependent children have a contract or agreement with the government or with any minister or department, unless the contract or agreement has been awarded by open public tender.

ETHICAL DIMENSIONS

The ethical dimensions of a particular set of circumstances will not always be obvious and in cases of uncertainty must be measured using the criteria of legality, fairness, and defensibility. An employee's conduct must be legal, fair, and appropriate in the circumstances and defensible in the event it is challenged.

OUTSIDE ACTIVITIES

Involvement in outside employment and other activities by employees is not prohibited unless such employment or other activity:

- causes or is likely to result in a conflict of interest
- is performed in such a way as to appear to be an official act, or to represent a government opinion or policy
- unduly interferes through telephone calls, or otherwise, with regular duties
- involves the use of government premises, equipment, or supplies, unless such use is otherwise authorized.

It is the responsibility of the employee to make a confidential report to their supervisor in writing as to the nature of the employment or outside activity. The supervisor may require that such employment or activity be curtailed, modified, or ceased, when it has been determined that a conflict of interest exists.

NOTIFICATION

Each employee will receive a copy of the code.

INTERPRETATION

Employees who require clarification or direction regarding the interpretation or application of the code should consult with their supervisor, or at their option, consult with the Conflict of Interest Commissioner in accordance with Section 27B of the *Members and Public Employees Disclosure Act.*

EDUCATION

Every department, agency, board, and commission is responsible for preparing information and education materials about the code for employees and for making appropriate arrangements for the preparation and implementation of training of employees regarding conflict of interest and post-service behaviour.

POST-SERVICE RESTRICTIONS

No person who was an employee shall, within six months of ceasing to be an employee, act for him or herself, or on behalf of any person or entity, in connection with any proceeding, transaction, negotiation, or case to which a department, agency, board, or commission is a party, if the former employee acted for or advised the department, agency, board, or commission in connection therewith while holding either such office or employment and if the matter might result in the conferring on a person of a benefit or a purely commercial or private nature or of any other nature on a person or class of persons that is other than the general public or a broad class.

FORMER PUBLIC EMPLOYEES

Employees who have official dealings, other than those that consist of routine provision of service available to members of the public, with former employees who are or may be governed by the post-service restrictions must report this fact to their supervisor, who shall determine whether the former employee is complying with the prescribed measures. The supervisor may apply to the Conflict of Interest Commissioner for a ruling on the matter.

Employees shall not have official dealings with former employees determined to be acting in violation of the post-service restrictions.

Policy Guidelines

Guidelines may be developed, as required, to assist departments, agencies, boards, and commissions with implementation and administration of the code.

Accountability

EMPLOYEES

Every employee has a duty to avoid conflicts of interest and is accountable for his/her conduct.

DEPUTY MINISTERS

The Deputy Head of each department, agency, board, and commission is responsible for administering the code and for issuing instructions necessary for implementation of the code including, but not limited to, the following:

- ensuring that employees are informed of the requirements of the code and enforcing compliance

- determining whether a conflict of interest exists and what actions, if any, are to be taken
- establishing procedures for employees to report a conflict of interest to their respective supervisors
- discussing post-employment restrictions during exit interviews, where possible

The Deputy Head may augment the code with supplementary procedures and guidance respecting conflicts of interest and post-service situations particular to the unique and special responsibilities of the department, agency, board, or commission and reflecting any special requirements contained in statutes governing the operations of the department, agency, board, or commission. The Deputy Heads are urged to consult with the Conflict of Interest Commissioner when dealing with conflict of interest situations to ensure uniformity and consistency in approach.

The Treasury and Policy Board of the Executive Council is responsible for administering the code with respect to Deputy Heads.

CONFLICT OF INTEREST COMMISSIONER

The Conflict of Interest Commissioner has a mandate to provide employees with opinions and recommendations in relation to conflicts of interest, to make inquiries on his/her own initiative, to entertain complaints from anyone concerning conflicts of interest, and to inquire into conduct of past employees within two years after such former employees ceased to be employees.

An employee may, by application in writing, request that the Conflict of Interest Commissioner give an opinion and recommendations, which are confidential, on any matter respecting employees under the code and the *Members and Public Employees Disclosure Act*. An employee who acts on the opinion and recommendations given by the Conflict of Interest Commissioner is deemed not to be in contravention of the code or the *Members and Public Employees Disclosure Act* with respect to the matters dealt with in the opinion and recommendation.

HUMAN RESOURCES DIVISIONS

The Human Resources Divisions in departments are responsible for establishing procedures to ensure that before or upon any appointment, appointees sign a document certifying that they have read and understood the code and that, as a condition of employment, they will observe it.

Monitoring

The Deputy Head of each department, agency, board, and commission is responsible for enforcing the terms of this code with respect to employees.

CONFIDENTIALITY

Information concerning the private interest of an employee that is provided to a supervisor in a department, agency, board, and commission shall be treated in complete confidence, subject to the disclosure requirements established by law.

FAILURE TO AGREE

Where an employee and his/her supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with the code or the *Members and Public Employees Disclosure Act*, the disagreement shall be submitted to the Deputy Head.

FAILURE TO COMPLY

An employee who fails to comply with the code shall be subject to appropriate disciplinary action, up to and including discharge.

References

Civil Service Act and regulations

Criminal Code of Canada

House of Assembly Act

Members and Public Employees Disclosure Act

Mineral Resources Act

Nova Scotia *Human Rights Act*

Public Service Act and regulations

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: July 27, 2000
Approved by: Executive Council

Manual release date: January 9, 2003
Most recent review:

Chapter 10: Dispute Resolution

10.1 Handling a Grievance

Background

The *Civil Service Collective Bargaining Act* makes provision for the establishment and application of a formal grievance procedure within the civil service of Nova Scotia. This procedure is subject to negotiation and is included in detail in all current collective agreements. The purpose of the procedure is to provide an orderly and efficient process for the resolution of employee problems.

The Complaint

Before a written grievance is filed, the employee who has a complaint must first discuss the matter with his/her manager. Employees who do not follow this procedure are not entitled to lodge a written grievance. It is the responsibility of the manager to vigorously attempt to resolve complaints before they become written grievances. Because of his/her closeness to the working level and direct day-to-day contact with employees, the manager is best located in the organization to investigate and resolve complaints.

The Grievance Procedure

The grievance procedure may move through four designated levels of review:

1. Manager
2. Upper management position (varies among departments)
3. Deputy Minister
4. Adjudication (if the grievance deals with an arbitrable item)

Procedures for investigation and answering a grievance are similar at all steps of the process.

The Written Grievance

To effectively investigate a grievance, the manager must identify and clearly understand the issue.

1. Before undertaking any further steps, put in writing a clear, concise statement of the issue involved.

2. Next, determine whether what you have comes within the meaning of a grievance (consult either the department's Director of Human Resources or the Staff Relations Consultant at the Public Service Commission). If the issue is not a grievance it should be rejected. However, it is a sensible management practice to get to the root of the dissatisfaction and solve it before it develops into something more serious.
3. Decide who is involved in the grievance. Does it concern an individual or a group of employees? Is an employee representative named?
4. Investigate the exact details surrounding the issue. Relate the facts discovered to the appropriate provisions of the agreement or directives issued by the employer.
5. Establish whether or not the grievance was filed within the prescribed time limits. If it was not, this is sufficient reason for rejection.
6. Find out exactly where the incident took place.
7. Try to ascertain the underlying cause that may have precipitated the grievance. The real cause of dissatisfaction may be something apart from the grievance.
8. Meet with the employee and/or the employee's representative. This will allow the employee and/or representative to present a full explanation of the circumstances surrounding the grievance. This is a formal meeting. If the employee is accompanied by a union representative, there should be two management representatives present. Restraint and maturity are crucial factors in this meeting. Management should treat union representatives with the same respect as they would wish to be accorded.
9. Familiarize yourself with actual working conditions surrounding the grievance issue. Visit the work area and talk to co-workers who may have knowledge of the grievance.
10. Examine the griever's personnel record. This must be considered in the course of the investigation, especially in cases involving discipline or discharge. Length of service, jobs held, absenteeism, appraisals, and previous discipline may be of significance in arriving at the grievance decision.
11. Examine the relevant contract provision or directive. Make sure that local management is interpreting the contract provision correctly. Check this with the department's Director of Human Resources or Staff Relations Consultant.

12. Record the results of your investigation carefully and completely. This is extremely important if the case should later go to adjudication. Even if it does not, it may go through various steps, with higher and higher levels of upper management and union people involved. It is therefore very important to build a record of the case from the very beginning. At a minimum this means keeping accurate records and the names and locations of the witnesses interviewed. It may not be sufficient that you, the manager, handled the grievance properly, you must be able to prove that it was handled properly. Failure to do this could mean the loss of the case, should it go to adjudication.
13. The decision should be consistent with the agreement. It is best to consult with either the departmental Director of Human Resources or Staff Relations Consultant regarding the decision and the wording of the written answer.
14. Whenever a grievance is passed to a higher level it should be accompanied by a dated written memorandum containing all the facts including:
    - a summary statement of the grievance
    - a summary of those facts relevant to the grievance
    - the decision on the grievance
    - the reason for the decision
    - all pertinent documents

Advising the Public Service Commission of Grievances

PROCEDURE

When a grievance is received, it is the responsibility of the department to send a copy to the Corporate Services Division of the Public Service Commission. Similarly, a copy of the response to the grievance at each level of the grievance procedure should be sent as well. The notification procedure assists the Corporate Services Division by:

- providing records for research purposes and identifying agreement articles that may require rewording or modification
- enabling them to develop policies and methods that will help departments in processing grievances
- informing them of the grievance in progress and thus providing an opportunity for the Public Service Commission to provide advice regarding the responses

Staff Relations Consultants are responsible for providing advice and assistance to departments on all grievances.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:

Approved by:

Manual release date: January 9, 2003

Most recent review:

10.2 Dispute Resolution Policy for Excluded Civil Servants

Policy Statement

It is government's policy to provide excluded civil service employees with a mechanism which will allow for resolution of certain disputes arising from their employment.

Definitions

DEPUTY HEAD

A person who is designated as a deputy head under the *Civil Service Act*.

DESIGNATE

An excluded civil service employee within the department/office designated in writing by the deputy head.

EXCLUDED CIVIL SERVICE EMPLOYEE

A person employed in a managerial or confidential capacity who is excluded from collective bargaining.

EMPLOYEE

Excluded civil service employee.

Policy Objectives

The objective of this policy is to provide a fair, timely, and consistent process for excluded civil service employees to resolve disputes relating to the employee's attendance, conduct, or work performance where no other review mechanism exists by policy or regulation.

This policy does not include disputes where the decision making authority rests with the Public Service Commission and does not include disputes relating to the lay off of an employee pursuant to Section 25 of the *Civil Service Act*.

Application

This policy applies to excluded civil service employees whose terms and conditions of employment are set out in the *Civil Service Act* and regulations.

Policy Directives

INFORMAL DISPUTE RESOLUTION PROCESS

1) An employee who has a complaint about a decision relating to their attendance, conduct, or work performance shall first discuss the matter with their immediate supervisor no later than twenty-five (25) working days after the date on which they became aware of the circumstance.
2) The supervisor shall respond to the employee within two (2) working days of the discussion unless there is mutual agreement to extend this time limit.

FORMAL DISPUTE RESOLUTION PROCESS

1) If the employee is not satisfied with the decision of the immediate supervisor under the Informal Dispute Resolution Process, the employee may, within ten (10) working days of having received the supervisor's response, make a formal Request for Review (Appendix 10-A) to the employee's Director of Human Resources for referral to the department's designate for review. A copy of the Request for Review will be provided to the employee's immediate supervisor.
2) Upon receipt of a Request for Review, the department's designate will attempt to resolve the complaint.
3) If the matter is not resolved within ten (10) working days from the date in which the Request for Review was received by the department's designate, at the employee's request, the Director of Human Resources shall forward the Request for Review to the employee's deputy head, accompanied by any response to the Request for Review.
4) The deputy head shall reply in writing to the employee within fifteen (15) working days from the date the deputy head received the Request for Review.
5) The decision of the deputy head shall be final and binding upon the employee.

SUSPENSION OR DISMISSAL

If the complaint is regarding disciplinary action which resulted in dismissal or suspension, the employee may appeal the decision of the deputy head or the official to whom the authority to suspend the employee has been delegated by the deputy head, under sections 94 and 95 of the General Civil Service Regulations (Appendix 10-B).

Policy Guidelines

WITHDRAWING THE REQUEST FOR REVIEW

The employee has the right to withdraw the Request for Review at any point in the dispute resolution process. The notification of withdrawal must be submitted in writing to the employee's Director of Human Resources.

TIME LIMITS

At the request of either party, it may be mutually agreed to extend the time limits specified at any stage of the process.

Accountability

DEPUTY HEADS

Deputy heads are responsible for ensuring that employee complaints are reviewed and addressed as provided for in this policy.

MANAGERS/SUPERVISORS

Managers/supervisors are responsible for ensuring that employees are informed of the policy and process.

Monitoring

The Public Service Commission is responsible for monitoring the effectiveness of the process within the policy.

References

The *Civil Service Act* and regulations

Appendices

Appendix 10-A: Request for Review Form

Appendix 10-B: Notice of Appeal Form

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

***Approval date:* April 22, 2004**

***Approved by:* Executive Council**

***Manual release date:* May 13, 2004**

Most recent review:

Appendix 10-A

Dispute Resolution
Excluded Civil Service Employees

REQUEST FOR REVIEW

I, ____

(Name) *(Position title and classification)*

of the Department of ______________________________

at ____,

office phone # ________________ or home phone # ________________

am requesting a review of a decision relating to my attendance, conduct or work performance.

The particulars are as follows *(use additional pages if necessary)*:

Civil Service Act and regulations violation or policy violation *(if applicable)*:

______________________ ______________________

(Employee's signature) *(Date)*

Copy to Supervisor

Appendix 10-B

General Civil Service Regulations Excluded Civil Service Employees

NOTICE OF APPEAL

I, ____

(Name) *(Position title and classification)*

of the Department of ______________________________

at ____,

office phone # ______________ or home phone # ______________

am appealing the disciplinary decision of ______________________

(Name)

____

(Title)

under • Section 26 (suspension) or • Section 27 (dismissal) of the *Civil Service Act.*

The particulars are as follows *(use additional pages if necessary)*:

______________________ ______________________

(Appellant's signature) *(Date)*

Copy to Supervisor

Chapter 11: Employee Records

11.1 Employee Identification Cards

Recommended Method

The Department of Transportation and Public Works provides facilities for the issue and control of employee identification cards. Branches are encouraged to make use of this facility in meeting their responsibilities for implementing security measures.

Types of Cards

TEMPORARY

Temporary paper cards will be issued to:

- employees whose term of employement will not exceed 90 days
- employees on the casual payroll

Example: Casual student help who, in the course of their duties, have contact with the general public.

PERMANENT

Permanent employees and temporary employees whose term of employment will exceed 90 days will be issued a permanent plastic-covered identification card.

Initial Issue of Cards

The Department of Transportation and Public Works maintains a system for recording and issuing identification cards and for their return and destruction when an employee leaves the service.

The equipment for adding the employee's photograph to the card and laminating it is transportable and can be set up in a department for the initial bulk issue of cards.

Any department wishing to participate in the system should appoint a departmental coordinator and take the following action:

1. Advise the Department of Transportation and Public Works (Attn: Administrative Assistant to the Director of Facilities Management) in writing concerning the number of employees who should be issued cards. Supply their full names and any other particulars you would like on the card, such as position in the department, etc.

2. After receiving your request, the Department of Transportation and Public Works will prepare the necessary cards and arrange a mutually suitable time for their completion.
3. When the photographs have been taken and the cards issued, the Department of Transportation and Public Works will provide the department with a list of its employees and the number of each card issued. This will enable the department to maintain a record of all cards held by its employees.
4. At the end of the initial issue, check with the Administrative Assistant to the Director of Facilities Management, Department of Transportation and Public Works, and make arrangements for individual issue for those employees who were absent.
5. The department coordinators should make arrangements for retrieving cards at the termination of employment and returning them to the Department of Transportation and Public Works for deletion from the master list and destruction.

Note: It is essential that all cards be retrieved at termination of employment.

Issue of Cards to New Employees

Follow the same procedure as outlined above. Arrangements will be made by the Department of Transportation and Public Works to visit locations outside the Halifax area.

Presentation

The normal procedure within a branch would be to issue instructions that each employee must carry his/her identification card during working hours and particularly if they wish to return to their office after the normal working day.

Loss of Identification Card

Loss of an identification card must be reported immediately by the employee to his/her supervisor and department coordinator. The department coordinator will notify the Department of Transportation and Public Works and arrangements will be made for the issue of a new card. A replacement cost of $5.00 will be charged for the employee concerned unless it can be shown that the loss was not occasioned by carelessness or negligence.

Misuse of Identification Card

Cards are assigned on an individual basis. If an employee misuses his/her card or lends the card to another person who misuses or attempts to misuse it, the employee will be subject to disciplinary action and, depending on the circumstances, may be discharged.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:
Approved by:
Manual release date: January 9, 2003
Most recent review:

11.2 Employee Personnel Record Policy

Policy Statement

The Government of Nova Scotia has responsibility for maintaining personnel information for government employees.

Definitions

EMPLOYEE MASTER RECORD

Is a sub-record of the Employee Personnel Record.

EMPLOYEE PERSONNEL RECORD

Contains all personnel information including the Employee Master Record sub-record.

SEPARATION

Refers to all events which sever the employment relationship.

Application

This policy establishes methods for ensuring up-to-date personnel information is maintained for all persons who are employed by the Government of Nova Scotia.

Goals

This policy has the following objectives:

- to define responsibility for employee personnel information management
- to assign a process for maintaining employee personnel information
- to ensure government meets its obligations concerning employee personnel information management

Policy Directives

Personnel information concerning an individual government employee is to be maintained in a personnel record, which will also contain an employee master record.

EMPLOYEE PERSONNEL RECORD

The Employee Personnel Records, consisting of all personnel information including the Employee Master Record sub-record contains documents, forms, and correspondence, the contents of which the employee has knowledge of at the time of filing or recording.

Departments are responsible for maintaining the following information in the employee personnel record for a period of seven years:

- correspondence related to personnel transactions (excluding information related to service and disciplinary measures which will be included in the Master Record)
- salary and reclassification dates
- personnel cards
- birth certificate
- special leave benefits
- records of training and education
- employee summary sheets
- sick leave
- vacation
- marital status
- dependents covered by medical plan
- long service award
- retirement benefits
- Form 562 (Recommendation/Advisement for Absence)
- Form 140 (Recommendation/Advisement)
- Form DF20 (Payroll Advice/Salary Adjustment)
- Form 444 (Certificate by Attending Physician) to be kept in a sealed envelope)
- Form DHR 97-001 (Application for Employment)
- Form 1457 (Employee Master/Personnel Record Summary Sheet)

EMPLOYEE MASTER RECORD

The Employee Master Record, which forms a part of the Employee Personnel Record, contains documents, forms and correspondence, the contents of which the employee has knowledge of at the time of filing or recording.

Departments are responsible for maintaining the following information in the Employee Master Record until the employment is severed. Following severance the Public Service Commission will maintain the Employee Master Record for a period of 60 years.

The Employee Master Record contains the following information:

- disciplinary measures, performance appraisals, Workers' Compensation Board accident forms, long-term disability benefits, purchase of casual service, prior civil service and/or war time service for verification of such service

- for employee personnel records created after April 1990, information related to pay and allowances, benefits and credits, and expenditures are maintained on the HRMS system by the Public Service Commission
- Employee Personnel/Master Records prior to April 1990 are to be maintained in a hard copy format in the Employee Personnel/ Master Record

EMPLOYEE RESIGNATION/EMPLOYEE RETIREMENT OR DEATH

Upon employee separation, the unpurged Employee Master Record should be sent to the Public Service Commission immediately. A copy of the Employee Master/ Personnel Record Summary (Form 1457) is to be included. The Employee Personnel Record is held in the department for a period of seven years in accordance with the record retention schedule.

If the employee has not been rehired within seven years from the date of employee separation, employee personnel information shall be destroyed in accordance with the retention schedule established herein.

EMPLOYEE TRANSFER

In the case of an employee transfer, the organization from which the employee is transferring will follow the procedure below on the date of the employee transfer:

1. Complete the Employee Master/Personnel Records Summary (Form 1457).
2. Place the completed Employee Master/ Personnel Record Summary (Form 1457) on top of the Master/Personnel Record contents.
3. Forward the unpurged Employee Master/Personnel Record to the Public Service Commission for transfer to the receiving department.

SECURITY AND RELEASE OF INFORMATION

Under the collective agreements, employees are entitled to view their employee personnel records by prior arrangement with the personnel responsible for their custody.

If the employee wishes information contained in his/her Personnel/Master Record to be released, the employee must state in writing to the personnel staff the specific information that is to be released and to whom. Access to employee personnel records by persons other than the employer or personnel staff must be approved by the Deputy Minister of the department. Employee Master/Personnel Records are to be maintained in a secure area.

Policy Guidelines for Employee Personnel Record

Guidelines may be developed as appropriate to assist with maintaining employee personnel records.

Accountability

GOVERNMENT DEPARTMENTS

Departments have the responsibility for maintaining the Employee Personnel Record, which includes the Employee Master Record, for the time periods prescribed in this policy.

PUBLIC SERVICE COMMISSION

The Public Service Commission has responsibility following separation for maintaining Employee Master Records for the time periods prescribed in this policy.

Monitoring

The Public Service Commission may conduct audits of departmental employee personnel record practices to ascertain compliance with this policy.

References

Civil Service Act

Collective agreements between the Nova Scotia government and the Nova Scotia Government Employees Union

Freedom of Information and Protection of Privacy Act

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:* *January 14, 1998
Approved by: Mildred Royer, Deputy Minister

Manual release date:* *January 9, 2003
Most recent review:

Chapter 12: Leaves and Absences

Government of Nova Scotia
Human Resources Management Manual

12.1 Attendance Management Policy

Policy Statement

The Government of Nova Scotia is committed to providing excellence in service to the general public. It is important for all employees of the Government of Nova Scotia to work as a team in the attainment of this mission.

Quality of service to the public is affected by work performance, including attendance of employees. It is important that employees report to work regularly, be punctual in reporting to work and returning from breaks, and make every effort to maintain good health.

It is recognized that from time to time employees may be absent from work due to disabling illness or injuries. The government is committed to informing employees about the intent and proper use of sick leave, to assuring that employees maintain their work commitments, and to promoting a healthy workplace in which operational effectiveness is not jeopardized by frequent or unnecessary absences.

Policy Objectives

This policy establishes methods for maximizing attendance at work, balancing fairness to the employee, and maintaining work efficiency. The policy has been developed in accordance with the following goals:

- to contribute to excellence in service delivery by having all employees attend work regularly
- to ensure the implementation of measures by manager/supervisors to minimize absences within their respective areas of responsibility
- to approach problem attendance in a positive and concerned manner, in accordance with this policy
- to provide ongoing management support, training, and consultation on attendance problem issues through the Public Service Commission

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and to all bargaining unit staff who are employed by the Government of Nova Scotia.

Policy Directives

REVIEW POLICY

Each employee will receive a copy of the Attendance Management Policy. The contents of the policy will be reviewed with each employee by his/her manager/supervisor.

SICK LEAVE BENEFITS

Employees may be granted sick leave with full or partial pay in accordance with the various collective agreements and the *Civil Service Act* and regulations when a health condition has impaired them to the extent that they are unable to perform their duties, provided that the department has been satisfied of the condition in such a manner and at such a time, and provided that employees have the necessary sick leave credits.

ABSENCE VERIFICATION

The manager/supervisor may verify absences from work as required.

DEEMED RESIGNATION FROM WORK

An employee who is absent from work without permission for 10 consecutive days shall be deemed to have resigned the position effective the first day of the absence. The employee may be reinstated if he/she establishes to the satisfaction of the employer that the absence arose from a cause beyond his/her control and it was not possible for the employee to notify the department of the reason for the absence.

REPORTING PROCEDURE

1. When an employee, for any reason, is not able to attend work as scheduled, that employee has the responsibility to call and speak directly with his/her immediate manager/supervisor or appropriate designate. Such notification should be provided as soon as possible in accordance with department requirements. Only in extenuating circumstances, e.g., hospitalization, is it acceptable that someone other than the employee make the contact as outlined above. The manager/supervisor or appropriate designate is responsible for returning the employee's phone call.
2. To be eligible to receive leave benefits, an employee must inform the immediate manager/supervisor or appropriate designate of the following:
   - type of leave, such as, sickness, workplace injury, family illness
   - estimated date of return to work

- whether or not the employee plans to see a doctor

3. To assist with effective leave reporting, the manager/supervisor must document the date and time of the call, expected time/date for return to work, whether or not the employee plans to see a doctor and the type of leave and record the absence by using the applicable symbol via the leave reporting system established in the department. A failure to follow reporting procedures will result in an absence being recorded as leave without pay. This system must create a record for each employee, allow for proper adjustments to payroll, and present a statistical record that can be used to monitor and manage attendance.
4. When an employee fails to call in as prescribed by departmental procedure, the manager/supervisor or appropriate designate shall:
   - make reasonable efforts to contact the employee to discuss the absence and obtain necessary supporting information and discuss the consequences of continued unscheduled absence
   - meet with the employee privately at the commencement of the next scheduled shift, or as soon as the employee is available, to reinforce the reporting procedure and, where appropriate, advise the employee of the availability of the employee assistance program and modified alternative work duties.
5. A failure to follow the reporting procedures set out above may result in the denial of benefits and disciplinary action.
6. In accordance with the collective agreements and departmental requirements, application for paid leave benefits for any period of illness may require medical certification. Failure to provide such medical information, where required, will result in a presumption that the employee does not have a medical reason for the absence from work. In cases of injury on the job, Workers' Compensation Form 67 is filled out by the employee and the employer and Form 444 is given to the employee for completion by his/her physician and is to be returned to the employer as soon as possible.
7. Failure by employees to follow treatment plans, as prescribed by a medical practitioner and/or specialist, will result in their being ineligible for benefits. When the Form 444 indicates that the degree of impairment allows the employee to carry out some of his/her duties and or modified alternative work duties, and that doing so would not adversely affect the employee's health, the employee is expected to attend work; and the employee's duties will be adjusted by the

employer accordingly, subject to operational requirements.

8. If a manager/supervisor has a reasonable basis for believing that an employee is attempting to claim, or has claimed, a benefit to which he/she is not entitled, this may result in a denial of the benefit claimed and/or may subject the employee to disciplinary action, up to, and including, termination.

MONITORING

The Government of Nova Scotia views regular attendance at work as an important issue and consequently requires that an employee's attendance record must be reviewed on an ongoing basis.

ATTENDANCE REVIEW STANDARD

Three incidents of absence from work in a six-month period will trigger the manager/supervisor to review an employee's record and take appropriate action where necessary. If the nature or frequency of an employee's absences leads a manager/supervisor to reasonably believe that regular attendance at work is compromised, the manager should meet with the department's director of human resources to determine if a formal attendance interview is required to be held with the employee.

INFORMAL DISCUSSION

The manager/supervisor may meet informally with an employee at any time to discuss attendance issues.

FORMAL ATTENDANCE INTERVIEW

A formal interview is conducted by the manager, following consultation with the department's director of human resources, with an employee where the nature or frequency of an employee's absences leads a manager/supervisor to reasonably believe that regular attendance at work is compromised. Follow-up interviews should be scheduled as appropriate, following the first interview. The following steps should be followed when conducting the attendance interview:

1. During the interview, employees must be given every opportunity to explain the circumstances surrounding the attendance issue, and reasons for unsatisfactory attendance should be discussed.
2. At every interview the manager/supervisor must ask the employee whether or not there is a medical reason for the employee's absence from work. If the employee indicates that there is a medical reason for the absence from work, where

appropriate, the manager/supervisor is responsible for advising the employee that the employee will be provided with a package (Appendix 12-A) which the employee is to give to the employee's physician.

3. During every interview, the manager/supervisor must inform the employee of the availability of assistance through the Government Employee Assistance Program.
4. Following every interview, a letter must be sent to the employee that summarizes the matters discussed during the interview and the matters agreed upon. Should an employee not achieve and maintain a regular and consistent attendance, this may ultimately jeopardize continued employment.

Policy Guidelines for Attendance Management Program

As required, guidelines will be developed to assist departments with implementation and administration of the policy, and they will form attachments to the policy.

Accountability

EMPLOYEES

Employees are responsible for:

- reporting to work on a regular, timely basis
- attending to personal affairs and obligations outside normal working hours, where practical
- reporting all absences according to procedure(s) as outlined in this policy and in accordance with applicable departmental policies
- applying for sick leave benefits in accordance with the provisions of applicable collective agreement and departmental policies and directives
- following recommended assistance or treatment programs to facilitate a prompt return to work, where applicable
- advising their physician of the availability of modified alternative work duties, where applicable

MANAGERS/SUPERVISORS

Managers/supervisors (within departments) are responsible for:

- educating staff on the importance of regular attendance
- providing a safe and healthy workplace
- maintaining accurate attendance records for their staff, working with their respective human resource units (This includes reporting unscheduled absences such as sick leave, family illness leave, and injury on duty leave to the respective

human resource units on a regular basis.)

- analysing attendance reports, assessing attendance problems, and monitoring sick leave patterns and usage by their employees
- consistently administering departmental and government-wide policies that relate to attendance management
- ensuring that Form 444 is provided by employees in accordance with departmental policy and the terms of the appropriate collective agreement or other applicable terms and conditions of employment
- addressing attendance problems in a timely manner
- sharing with other managers/supervisors innovative ways to deal with attendance problems
- acknowledging attendance improvement
- informing new employees about attendance expectations and attendance management policy during orientation
- being positive role models with respect to attendance at work
- informing employees about the Employee Assistance Program
- facilitating early return to work by employees through modified or alternative work duties, where appropriate

HUMAN RESOURCE DIVISIONS

The human resource divisions in departments are expected to:

- enter data relating to attendance management on the Human Resource Management System on a monthly basis
- provide manager/supervisors in departments with quarterly departmental attendance statistics, including departmental averages, for their review and assessment
- ensure consistent and effective administration of leave benefits
- provide advice and assistance to the managers/supervisors concerning the implementation of the attendance management policy
- provide management support and consultation on attendance problem issues
- provide assistance with the implementation of modified alternative work duties, where appropriate
- provide training to managers/supervisors on attendance management procedures
- maintain confidential employee medical files containing properly completed

medical documentation

PUBLIC SERVICE COMMISSION

The Public Service Commission will:

- provide corporate agency reports to departmental human resource units on a quarterly basis
- promote consistent and effective administration of leave benefits
- provide guidance to departments concerning the implementation of the attendance management policy
- provide management support and consultation on attendance issues
- provide advice and assistance regarding the design and implementation of modified alternative work duties, where appropriate
- develop and update related policies and programs
- provide information concerning Employee Assistance Programs and policy guidelines and operational support
- through Government Employee Health and Safety Services, maintain confidential employee medical files containing properly completed medical documentation.

SENIOR MANAGEMENT

Senior management is expected to:

- ensure that manager/supervisors implement the Attendance Management Policy and that training is provided, establish goals and objectives within the department, and actively support the Attendance Management Policy
- facilitate internal departmental audits of the Attendance Management Policy
- ensure that managers/supervisors are held responsible for implementation of the Attendance Management Policy.

Monitoring

Departments are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental attendance management practices to ascertain compliance by departments with this policy.

References

Civil Service Act and regulations

Workers' Compensation Act

Collective agreements between the Public Service Commission and the NSGEU; the Department of Transportation and Public Works and CUPE; and the Department of

Justice and the NSGEU.

Appendix

Appendix 12-A - Employee Package for Physician

Approval date: June 3, 1997
Approved by: Mildred Royer, Deputy Minister

Manual release date: January 9, 2003
Most recent review:

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendix 12-A

Covering Letter From Supervisor To Employee

DATE

TO: *Employee Name*

RE: ATTENDANCE

During the attendance interview you advised that you had a medical condition that has prevented you from reporting for work on a regular and consistent basis.

In order that we may assist you in attaining more regular attendance, please take the enclosed confidential letter to your physician. Please have your physician provide a response to the Occupational Health Medical Consultant, Government Employee Health & Safety Services, Public Service Commission, who can then advise our department as to what might be reasonable occupational demands and expectations. All medical information will remain confidential to staff of Government Employee Health & Safety Services. Management in our department will be provided only with information on fitness for work.

It is your responsibility to ensure that this report is completed and mailed to Government Employee Health & Safety Services within 14 days, and a failure to do so will result in a presumption that there is not a medical reason for your absence from work.

Sincerely,

Manager

cc: Dr. Matthew Burnstein, Occupational Health Medical Consultant
Human Resources Director, Department

Encl.

Attendance Letter to Doctor to Be Used When Employee States There Is a Medical Reason for Absences

DATE

Dear **Dr.** ______________

RE: ***Employee's Name***

Employee's name, an employee of the Province of Nova Scotia, was recently interviewed to review ***his/her*** work attendance. During this interview, ***Employee's name*** indicated that there was a medical condition that contributed to his/her use of sick leave.

In order that I may advise the ***department's name*** accurately as to what might be reasonable expectations for this employee's attendance, I require further information. To this end, would you please provide answers to the following questions. The medical information you provide will remain confidential. Management will be provided only with information regarding the employee's fitness for work.

1. Does the employee have a medical condition that would prevent ***him/her*** from attending work on a regular and consistent basis?

   Yes _______ No _______

   If yes, what is the diagnosis?

   ____

   ____

2. Please provide the dates on which this employee consulted you for this condition in the past year.

   ____

   ____

3. What is the current treatment plan and what specialists, if any, have been involved in this employee's care?

   ____

____

4. Is any improvement in this condition expected?
   Yes ___ No ___
5. If yes, when do you anticipate this employee being able to attend work on a regular and consistent basis?

   ____

   ____
6. Is there anything that the employer can do to assist this employee in their medical rehabilitation/attendance? (Employee Assistance Program, modified alternative work duties [please specify], etc.)

   ____

   ____

   ____

   ____

Please provide your confidential report in the enclosed envelope. Costs associated with completion of this form may be submitted along with the confidential report to the above address. The employee has been given 14 days from the date of this letter in which to see you and have a response provided to my office.

Thank you in advance for your timely attention to this matter.

Sincerely,

Matthew Burnstein, B.Sc., M.D., MRO (MROCC)
Occupational Health Medical Consultant

cc: ***Employee's Name***

12.2 Vacation

Entitlement

Vacation entitlement for employees included in bargaining units is set out in the various agreements in effect with the Nova Scotia Government Employees Union. Vacation entitlements for non-bargaining employees are set out in the regulations under the *Civil Service Act*.

When Vacation Is to Be Taken

The vacation year is from April 1 to March 31. Vacation will be taken in the vacation year in which it is earned unless provided otherwise in this chapter. Employees will make their requests for vacation in writing to the deputy head of their department. This should be done in accordance with provisions of the collective agreements or regulations. Scheduling of vacation is subject to the operational requirements of the service, but every effort will be made to grant vacation at the time requested.

If unable to comply with an employee's request, the deputy head will:

- give the reason
- make every reasonable effort to meet alternative dates requested by the employee

If the number of employees on vacation at one time has to be restricted, preference will be given to the employees with the greatest length of service in the employing department. When so requested, every reasonable effort will be made to grant an employee's request to take his/her vacation in one unbroken period of leave.

Carry-over of Vacation

An employee may make a request in writing to the deputy head of the department for permission to carry over not more than five days vacation to the following year.

The request must be made before January 31 of the year in which the vacation is earned. A deputy head may with good cause accept a request at shorter notice.

Cumulative Carry-Over

The deputy head may approve that an employee be granted permission to carry over up to 5 days of his/her vacation each year to a maximum of 20 days.

The employee's application for the cumulative carry-over is made to the deputy head for approval. The recommendation must be received before the end of the fiscal year in which accumulation is to begin.

Advance Use of Vacation from Next Year

An employee who has been employed in the public service for five years or more may be granted five days vacation from his/her entitlement for the following year. This requires the approval of the deputy head.

Recall from Vacation

Every effort will be made to avoid recalling an employee to duty after he/she is on vacation. If an employee is recalled from vacation to duty he/she will be reimbursed for reasonable expenses:

- in proceeding to the place of duty
- in returning to the place of vacation if vacation is resumed immediately on completion of the assignment for which the recall was made

The period of vacation lost as a result of the recall, including travel time, will be added to the current vacation period (if requested by the employee and approved by the deputy head) or reinstated for use at a later date.

Accounting for Vacation Entitlement on Separation from the Civil Service

On separation from the civil service an employee will be:

- compensated for any outstanding vacation to which he/she is entitled
- compensate the province for any vacation that has been taken and to which he/she is not now entitled

Exception: If an employee has been granted more vacation than has been earned and employment is terminated by death, the employee will be considered to have earned the amount of leave that was granted.

Enquiries

General Enquiries, Public Service Commission	(902) 424-7660

Approval date: ***January 30, 2003*** *Manual release date:* ***January 9, 2003***

Approved by: ***Public Service Commissioner*** *Most recent review:* ***January 15, 2003***

12.3 Sick Leave

Proof of Illness

FIVE DAYS OR LESS

The deputy head may require such proof of illness as he/she considers necessary.

MORE THAN FIVE CONSECUTIVE DAYS

Must be supported by a medical certificate acceptable to the employer from a legally qualified medical practitioner.

Sick Leave While on Vacation

If an employee becomes ill for a period of three or more consecutive days while on vacation and if the illness is supported by a Form 444, or a certificate acceptable to the employer from a legally qualified medical practitioner, the employee may be granted sick leave for that period. If sick leave is granted in these circumstances, the employee's vacation credit will be restored to the extent of the sick leave.

Leave and Compensation for General Illness

An employee who is unable to perform his/her duties due to illness or injury for a period not exceeding three consecutive work days may be granted general illness leave with pay. The maximum number of days that may be approved under this provision is 18 days per fiscal year.

New employees appointed after April 1 of any year will have their maximum entitlement for the first year prorated in accordance with the number of months of service accumulated in the fiscal year in which they are appointed. The prorated entitlement is determined by the following formula:

1.5 days multiplied by the number of months of service the employee could earn between the date of appointment and the end of the fiscal year.

Example: 1.5 x 6 months of service = 9 days' general illness

Employees who exhaust all or part of the 18 days' entitlement in one fiscal year will have the 18-day maximum reinstated on April 1 of the following fiscal year.

LEAVE AND COMPENSATION FOR SHORT-TERM ILLNESS

An employee who is unable to perform his/her duties due to illness or injury for a period exceeding three consecutive work days may be granted leave of absence at full or partial pay for each incidence of short-term illness, in accordance with the following formula.

Length of Service	Benefit
Less than 1 year	20 days @ 100%
	80 days @ 75%
1 year or more	40 days @100%
	60 days @ 75%

Where an incidence of short-term illness continues from one year of employment to the following year of employment, the employee's benefit entitlement for that incidence of short-term illness leave will be payable in accordance with the provisions applicable during the year in which the short-term illness commenced.

Short-Term Illness—Recurring Illness or Injury

An incidence of short-term illness is deemed to be recurring when the employee returns to work for less than 15 days and again becomes unable to work because of the same illness or injury. This situation is considered a continuation of the initial short-term absence.

Benefits/Layoff for Bargaining Unit Employees under Civil Service Master Agreement

General illness leave and short-term illness leave will not be paid when an employee is:

- receiving designated holiday pay
- on suspension without pay
- on leave without pay, other than leave of absence for union business pursuant to Article 14 of the agreement, or in the case of circumstances covered under Article 22.05

When an employee is on short-term illness and is deemed eligible for long-term disability and is laid off, he/she shall be covered by both short-term and long-term benefits until termination of illness or disability entitlement. When such an employee has recovered or is capable of returning to work he/she shall be covered by provisions of Article 34.

During the period an employee is on layoff status, he/she shall not be entitiled to benefits under Article 22 for an illness or disability that commenced after the effective date of layoff. When such an employee is recalled and returns to work, he/she shall be eligible for participation in all benefits.

The continuation of benefits payable pursuant to Article 22.05 shall include any benefits payable in accordance with the Long-Term Disability Plan.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:

Approved by:

Manual release date: January 9, 2003

Most recent review: April 1, 2001

12.4 Long-Term Disability

Introduction

The Nova Scotia Long-Term Disability Plan is a self-insured plan. Benefits are paid from the Nova Scotia Public Service Long-Term Disability Trust Fund, rather than from an external insurance company. The plan is administered by a Board of Trustees, four appointed by the Lieutenant Governor-in-Council and four by the Nova Scotia Government & General Employees Union. The board has retained the services of an insurance company as Plan Administrator. The Plan Administrator provides claims adjudication and rehabilitation services on behalf of the board.

Definitions

ADMINISTRATOR

The Plan Administrator appointed by the Trustees to administer the plan.

DISABILITY

For the purposes of this plan, "disability"/"disabled" means the complete inability, as defined from time to time in guidelines made pursuant to the plan, of an employee, because of illness or injury, to perform the regular duties of his/her occupation during the applicable elimination period and the next 24 months of any period of disability. Thereafter, an employee remains disabled if he/she is unable to engage in any occupation for remuneration or profit for which the employee is or may become fit through education, training, experience or rehabilitation, which occupations pays not less than 75 per cent of the current rate of the position, class and step he/she held prior to disability.

ELIMINATION PERIOD

100 consecutive work days of short-term illness leave or 100 days of short-term illness due to the same or related causes, as defined in Article 22 of the applicable collective agreement.

PLAN

The Nova Scotia Public Service Long-Term Disability Plan.

PRE-DISABILITY SALARY

The normal salary an employee is receiving or is entitled to receive on the last day of the elimination period.

REGULAR DUTIES
The duties that the employee was expected to perform immediately prior to the commencement of the elimination period.

REHABILITATION EMPLOYMENT PROGRAM
A mandatory program, as contained in guidelines made pursuant to this plan, for rehabilitation of a disabled employee so as to enable him/her to return to suitable productive employment as determined by the Trustees.

SERVICE
Has the same meaning as defined in the applicable collective agreement.

TRUSTEE
A member of the Board of Trustees of the Nova Scotia Public Service Long-Term Disability Plan.

Application

This plan applies to,

- employees as defined in Section 2(f) of the *Civil Service Collective Bargaining Act* and all other Nova Scotia Government Employees Union members who are insured under the plan
- groups or persons as outlined in Schedule "A" of the Trust Agreement
- any other group or person as may be determined by the Board of Trustees and enumerated in Schedule "B" of the Trust Agreement.

Contributions to the Long-Term Disability Trust Fund

Contributions to the fund for "civil service employees" will be shared equally by the employee and the employer; each contributing a percentage of the employee's normal salary to a maximum normal bi-weekly salary of $4,615.39. Civil servants as defined in the *Civil Service Collective Bargaining Act* will contribute 1.77 per cent of their normal salary; civil servants appointed to managerial and confidential excluded positions will contribute 1.61per cent of their normal salary.

Eligibility for Benefits

- Subject to the 6th bullet of this subsection, when illness or injury results in the disability of an employee, the employee shall be eligible for benefits from the first day following the elimination period

- Benefits authorized pursuant to the 1st bullet may be continued for not more than the maximum benefit period during any one period of disability (and benefits shall cease at the cessation of the disability as determined by the administrator)
- If the administrator determines that the employee is capable of participating in an approved rehabilitation employment program and if the employee participates in a program, he/she shall receive benefits as provided in the section entitled **Payment of Long-Term Disability Benefits**
- An employee may be required by the Trustees to be assessed in accordance with guidelines made pursuant to this plan, and may be required by the Trustees to participate in a Rehabilitation Employment Program in accordance with guidelines made pursuant to this plan, while he/she receives Long-Term Disability Benefits
- The Trustees shall have the absolute right to determine if an employee is capable of participating in an approved Rehabilitation Employment Program
- If there has been a return to work, successive periods of disability of an employee shall be considered as occurring in the same period of disability, unless:
  a) the later disability is for causes unrelated to the prior disability, or
  b) the later disability is for causes related to the prior disability, but the employee has returned to work and has served continuously for 30 consecutive work days or more before the related disability has recurred
- For greater certainty, where, pursuant to the 6th bullet, a successive period of disability is considered as occurring in the same period of disability, the benefits payable during the successive period shall be governed by the benefits payable under the plan at the time the original disability was accepted.

Exclusions

No benefits shall be payable under the plan because of:

- disability suffered in the course of voluntarily participating in the commission of a crime
- disability suffered as a result of an act of war or participation in a riot, except where carrying out the duties of his/her occupation
- intentional self-inflicted disability or attempted self-destruction
- disability due to alcoholism or drug addiction, except when the employee is participating in a recognized therapeutic program to correct his/her addiction and is under the continuous care of a licensed physician

- disability when the employee is not under the care and following the treatment of a licensed physician or medical specialist
- when the employee refuses to disclose medical information required by the Plan Administrator or specialists acting for the Plan Administrator
- pregnancy-related illness during the pregnancy exclusion period, as defined in the applicable provincial statute
- disability that occurred at work that is deemed to be fully compensable injury by the Workers' Compensation Board
- disability due to illness or injury that occurred after the employee was placed on layoff status
- an employee shall not be entitled to long-term disability benefits from this plan if his/her disability resulted from illness or injury with respect to which medical treatment, services or supplies were received in the 90 days period prior to the date of hire unless he/she has completed 12 consecutive months of service after the date of hire during which time he/she has not been absent from work due to the aforementioned illness or injury
- an employee shall not be entitled to long-term disability benefits from this Plan if he/she refuses to be assessed in accordance with the Guidelines made pursuant to this Plan, or if he/she refuses to participate in a Rehabilitation Employment Program approved by the Trustees, unless the Trustees determine otherwise.

Payment of Long-Term Disability Benefits

PAYMENT FORMULA

The bi-weekly benefits for an employee covered by this plan shall be 65 per cent of the employee's pre-disability salary to a maximum benefit of $3,000 bi-weekly.

SUPERANNUATION

For employees who are in receipt of benefits, contributions to the Public Service Superannuation Plan, which would otherwise be made by an employee, shall be made by the employee based on the current rate of pay for the position, class, and step he/she held prior to disability with matching contributions being made by the employer.

CANADA PENSION PLAN

For an employee, who is in receipt of benefits, any contributions required to be made to the Canada Pension Plan in respect of the employee, including both the employee and employer contributions, shall be made by the Fund.

CONSOLIDATED HEALTH PLAN

Employees who were participating in the health plan at the commencement of the elimination period will continue to be covered while receiving long-term disability benefits. Premiums for the consolidated health plan shall be paid by the employer.

GROUP LIFE INSURANCE PLAN

Employees, while on long-term disability, shall be covered under provincial Group Life Insurance Plan at the current rate of pay for the position, class, and step he/she held prior to disability. If premiums are required for basic life insurance, they are to be paid by the employer. Premiums for optional group life insurance will continue to be the responsibility of the employee.

REHABILITATION

The benefit for an employee who is receiving income under a recognized rehabilitation employment program, shall be reduced by an amount equal to 50 per cent of the income received. Where the combination of benefits and income is in excess of the current rate of pay for the position, classification and step the employee held prior to disability, the benefits shall be reduced so as not to exceed 100 per cent of that rate of pay.

INDEXING

Increases to benefits under this plan to reflect cost of living increases shall be approved by the plan's sponsors from time to time based on actuarial opinion as to the effect of the proposed increase in benefits on the financial viability of the plan. No increase in a year shall exceed the lesser of 6 per cent per annum and an amount equal to the average increase of the Consumer Price Index of Canada for the preceding twelve-month period ending October 31, based on the figures as published by Statistics Canada for that period.

Termination of Long-Term Disability Benefits

Payment of benefits shall cease the earliest of:

- the last day of the month during which the employee attains the age of 60 years
- the last day of the month in which the employee attains 35 years of pensionable service pursuant to the terms of the employee's pension plan
- the date the employee returns to work
- the date of the death of the employee
- the date the employee is not longer qualified as disabled as defined in this plan.

Offsets to Payment of Long-Term Disability Benefits

Benefits under this plan are integrated with other benefit plans. Therefore, long-term disability benefits will be reduced by:

- the amount of disability benefit entitlement, excluding children's benefits, under the Canada Pension Plan at the date of disability
- the amount of benefits payable from any other group disability plan or pension plan, sponsored by the employer
- the amount of income received from rehabilitative employment
- the amount of Workers' Compensation payments, except permanent partial disability awards
- the amount of benefits payable from any disability plan sponsored by any employer, since inception of this plan
- the amount of benefits payable as a result of a disability which occurred at work and is deemed to be less than 65 per cent compensable by the Workers' Compensation Board
- the amount of income received by an employee from self-employment as set out in guidelines made pursuant to this plan
- the amount of earnings recovered through a legally enforceable cause of action against some other person or corporation.

Termination of Long-Term Disability Coverage

The coverage of an employee, who is not receiving benefits under the Plan, terminates on the earliest of the following dates:

- 100 days prior to the last day of the month during which the employee attains the age of 60 years
- the date the employee occupies a position that is not eligible for coverage
- the date of the employee's termination of service
- one hundred days prior to the last day of the month during which the employee attains 35 years of pensionable service pursuant to the terms of the employee's pension plan.

Placement/Severance

- An employee who is not entitled to return to his/her own position, and who has been disentitled to benefits pursuant to this plan, and who within 15 days of receipt by registered mail of notice that he/she has been disentitled to benefits, wants to return to employment with the employer and is fit to do so, shall be deemed to have been laid off and shall be entitled to the placement rights, but not the displacement rights, as contained in the layoff and recall provisions of the collective agreement.
- The joint committee on technological change or other committee appointed by the parties comprised equally of management and union representation shall attempt to facilitate the placement of all affected employees.
- Employees who have been disentitled to benefits under this plan shall be entitled to receive severance payments in accordance with provisions of the collective agreement.

DEFERRED SALARY PAYMENT

Employees on staff prior to April 9, 1989 who are in receipt of a deferred salary advance (pensionable advance), and any other employees later appointed to Government in receipt of a deferred salary advance (e.g., by municipal transfer) will have the amount of their advance recovered from their final payment(s) upon termination of employment or from benefits received under the Long-Term Disability Plan.

References

Nova Scotia Public Service LTD Plan Trust Fund "LTD Plan Document" effective May 1, 2002.

Note: This information is intended only to summarize the principal features of the Nova Scotia Long-Term Disability Plan, as set out in the LTD Plan. The LTD Plan document is amended from time to time and inquiries respecting the up-to-date plan text may be advanced as necessary to the attention of the Public Service Commission.

Approval date:

Approved by:

Manual release date: January 9, 2003

Most recent review: June 17, 2002

12.5 Special Leave

Entitlement

Civil service employees may be granted special leave with full pay, partial pay, or without pay in accordance with the provisions of the various collective agreements or the regulations under the *Civil Service Act*.

Types of Special Leave

Leave of absence will be granted to all employees in the following circumstances, within the parameters of the collective agreements or the regulations under the *Civil Service Act*.

LEAVE WITH PAY

- bereavement
- personnel selection/examination
- leave for emergency
- attendance at court
- injury on duty
- leave for birth of a child

LEAVE WITHOUT PAY

- pregnancy/parental
- adoption

Leave of absence may be granted to all employees in the following circumstances within the parameters of the collective agreements or the regulations under the *Civil Service Act*.

LEAVE WITH PAY

- leave for educational purposes*
- military leave
- illness in family

**Leave for educational purposes may also be granted with part pay or without pay.*

PARTICIPATION IN INTERNATIONAL SPORTING EVENTS

Subject to operational requirements, every consideration will be given to granting leave of absence without pay to an employee participating in an international sporting event as an athlete or as an official.

VOLUNTEER FIREFIGHTERS

Subject to operational requirements, every consideration will be given to granting leave of absence with pay to an employee who is a member of a volunteer fire department where an employee is called out.

LEAVE FOR PUBLIC OFFICE

Where an employee is granted time off work as a result of elected activity pursuant to Section 35 of the *Civil Service Act* (municipal elections), such time off will be without pay.

Time Off for Union Business

Where operational requirements permit, and on reasonable notice, bargaining unit employees shall be entitled to special leave with or without pay for union business in accordance with the provisions of the collective agreement. For ease of administration, in cases of leave without pay the employee will remain on the payroll and the Nova Scotia Government Employees Union will reimburse the province for any time off for union business.

Powers and Limitations in Granting Special Leave

In addition to the various types of leave specified in **Types of Special Leave** above, provision is made for granting special leave within the limits detailed below. In view of the specific coverage that already exists, the power to grant this special leave would be used only in unusual circumstances.

NON-BARGAINING EMPLOYEES

In any one year the deputy head may, on such terms and conditions as outlined in the regulations under the *Civil Service Act*, grant special leave of absence with full pay, partial pay, or without pay where circumstances warrant.

BARGAINING UNIT EMPLOYEES

The deputy head, in any one year, may grant special leave with pay or without pay for such period as he/she deems circumstances warrant.

Note: If provision exists for leave of absence for a specific purpose (bereavement, emergency, pregnancy/parental, etc.), the deputy head will not approve additional leave with pay for that purpose.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review:***

12.6 Time-off Less Than One Day

Medical and Dental Appointments

A Deputy Minister or delegated official may grant an employee time-off for a medical or dental appointment, subject to the following criteria.

- The employee should arrange medical and dental appointments outside normal working hours, if possible.
- The employee should request approval for the time-off as far in advance as possible so that staff adjustments can be arranged when necessary.
- If an employee requests excessive time-off for medical or dental appointments, the deputy head or delegate may require proof of attendance at the physician's or dentist's office.
- Time-off for this purpose will be accumulated and reported as sick leave, in accordance with the provisions set out in the collective agreements and regulations pursuant to the *Civil Service Act*.

Elections

When granting time-off for this purpose, the deputy head should, where relevant, bear in mind any requirement to provide continuing service to the public during normal hours.

FEDERAL

The *Canada Elections Act* provides that "Every employee who is qualified to vote shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his/her vote and, if the hours of his/her employment do not allow for such three consecutive hours, his/her employer shall allow him/her such additional time for voting as may be necessary to provide those three consecutive hours. No employer shall make any deductions from the pay of any such employee or impose upon or exact from him/her any penalty by reason of his/her absence from his work during the consecutive hours that the employer is required to allow. The hours referred to shall be granted at the convenience of the employer."

PROVINCIAL

Chapter 83, Elections Act of the *Revised Statutes of Nova Scotia*, 1967, provides that:

> **Time for Employee to Vote**
>
> An employee, who is an elector, shall, while the poll is open on ordinary polling day, have three consecutive hours for the purpose of casting his/her vote.

Duty of Employer

If the employment of an employee does not permit the use of three consecutive hours of his/her own time for voting, the employer shall allow the employee such additional time with pay from the hours of his/her employment as may be necessary to provide the three consecutive hours, but the additional times for voting shall be granted to the employee at the time of day that best suits the convenience of the employer.

Section Does Not Apply

This section does not apply to an employee who is engaged in the operation and dispatch of scheduled railway trains, buses, motor transports, ships, and aircrafts, and to whom the three consecutive hours mentioned in the previous subsection (**Time for Employee to Vote**) cannot be allowed without interfering with the scheduled operation or dispatch of the trains, buses, motor transports, ships, or aircraft.

Blood Donors

The Canadian Blood Services Blood Donor Program has the support of the Government of Nova Scotia. Employees who wish to give blood may be excused from work for one hour. Deputy Ministers and senior officials are asked to encourage their employees to participate in Canadian Blood Services Blood Donor Clinics.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	*Manual release date: January 9, 2003*
Approved by:	*Most recent review: November 28, 2005*

12.7 Voluntary Unpaid Leave with Deferred Salary Recovery Policy

Policy Statement

The Government of Nova Scotia is committed to assisting employees with balancing their work and personal responsibilities. In this regard, employees are provided with the option of requesting voluntary unpaid leave based upon personal circumstances. This is part of the government's ongoing effort to provide employees with flexible work options.

Definition

DEPUTY HEAD

The deputy minister or designate of a department, or the senior administrative officer of an agency not reporting to a deputy minister.

Policy Objectives

- Provide employees with an opportunity to balance work and personal obligations.
- Provide a cost-effective means for government to promote workplace flexibility.

Application

This policy applies to all government employees whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit employees who are employed by the Government of Nova Scotia.

Policy Directives

APPROVAL

Consideration for approval of an unpaid leave request will depend upon the operational needs of each workplace and the provision of reasonable notice. The final decision will be made by the deputy head or designate.

DEFERRED SALARY RECOVERY

Recovery of the cost of unpaid leave will be at a minimum of one day's pay per bi-weekly pay period. For more information, see Appendix 12-B, Guidelines for Voluntary Unpaid Leave with Deferred Salary Recovery.

One instance of voluntary unpaid leave must be fully recovered before an employee is eligible to be considered for another instance of voluntary unpaid leave.

Recovery of the cost of unpaid leave is based upon the employee's rate of pay at the time the leave was taken.

DURATION

Request for voluntary unpaid leave must be for a minimum of two consecutive working days and a maximum of ten consecutive working days.

Issues of frequency and total duration of voluntary unpaid leave in any given year are operational matters to be decided by the appropriate deputy head.

Accountability

DEPUTY HEAD

The deputy head has the responsibility for ensuring the proper administration of this policy and delegating approval authority to managers/supervisors as appropriate.

MANAGERS/SUPERVISORS

Managers/supervisors who are delegated this authority by the deputy head have the responsibility for considering unpaid leave requests in accordance with the requirements of the policy.

EMPLOYEE

The employee is responsible for making an unpaid leave request to the appropriate manager/supervisor.

HUMAN RESOURCES DIVISIONS/CORPORATE SERVICE UNITS

Staff in the human resources divisions/corporate service units are responsible for providing support to departments regarding administration of this policy.

Monitoring

The Public Service Commission may conduct periodic audits of departmental practices to ascertain compliance with the policy requirements.

References

Nova Scotia *Civil Service Act* and regulations

Civil Service Master Agreement between the Province of Nova Scotia and the Nova Scotia Government Employees' Union

Collective Agreement between the Department of Transportation and Public Works and the CUPE Highway Workers (local 1867)

Collective Agreement between the Department of Justice and NSGEU Adult Corrections (local 480)

Appendices

Appendix 12-B: Guidelines for Voluntary Unpaid Leave with Deferred Salary Recovery

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: November 13, 2003
Approved by: Executive Council

Manual release date:
Most recent review:

Appendix 12-B

Guidelines for Voluntary Unpaid Leave with Deferred Salary Recovery

Recording Leave Taken

Regardless of whether an employee is Exception or Positive Pay, leave taken is posted in the HRMS Leave database, Function 30 – Leave Update, Trans 006 – Special Leave as **Furlough Leave (FL). Leave posting is to be completed by the 15th of the month following the month in which Furlough leave was taken** for corporate reporting purposes. Each date and the hours used per date are to be posted in Leave with the percentage of pay marked as 0%.

Please note: Exception pay employees are those paid automatically from the HRMS system. Positive pay employees require their hours/salary to be keyed into the HRMS system on a bi-weekly basis. The HRMS system will be replaced with SAP-HR in October 2004.

Payroll Recovery

- Departments e-mail completed **WordPerfect Salary Recovery Worksheet files** for all participating employees to the appropriate payroll technician, Payroll Services, Department of Finance.
- **Recovery will begin on the first pay period** following the designated leave period, and **will be taken at a minimum rate of one day per pay until fully recovered.** Recovery will be taken on **sequential pays,** not by selected dates, with no exceptions.
- Both Exception and Positive Pay employees participating receive their normal pay, ("REGular", "CONtract", etc.) during the pay period absent; and Payroll Staff, Department of Finance will recover "regular" earnings, according to the consecutively, designated pay periods marked on the Salary Recovery Worksheet.
- One day of leave is to be interpreted at **contractual hours per day, except for Modified Work Day.** Recovery of a Modified Work day is made for the time taken, e.g., 7.5 or 7.75 hours.
- If the employee wishes, more than one day of leave can be recovered per pay period.

12.8 Storms or Hazardous Conditions

Policy Statement

Government offices and worksites will normally remain open during storms or hazardous conditions. Employees are expected to make every effort to report for duty and remain at their work stations during their scheduled working hours. With the exception of those employees who provide designated services as defined in this policy, employees should assess their own ability to get to and from work safely and, where possible, consult with their immediate supervisor. Employees may make a personal decision to take time off.

In exceptional circumstances, a decision may be made to close some or all government offices or worksites, due to extreme storm or hazardous conditions. In only those situations will affected employees be granted leave with pay for their regularly scheduled work hours.

Definitions

DEPARTMENT

Department, office, or public service entity of the Government of Nova Scotia as defined in the *Public Service Act.*

DEPUTY HEAD

The deputy minister or designate of a department, or the senior administrative officer of an office not reporting through a deputy minister.

DESIGNATED SERVICES

Services determined by department deputy heads to be essential or unique in their nature. Employees who provide these services are required to report to or remain at work, at the direction of their immediate supervisor, even if the deputy head of Treasury and Policy Board closes offices or worksites under this policy.

STORMS

Adverse weather conditions such as heavy snowfall, hurricane or blizzard conditions.

HAZARDOUS CONDITIONS
Conditions, often resulting from a storm, that may include power outages, advisories from the Department of Transportation and Public Works on the use of public highways, and/or advisories from police, Emergency Measures Organization or other agencies.

EXCEPTIONAL CIRCUMSTANCES
Declared state of emergency or conditions deemed by the employer to be sufficiently dangerous or disruptive to require the closure of offices or discontinuance of normal business.

Policy Objectives

- To acknowledge the need for employees to make reasonable assessments of their ability to travel to and from work safely during storms or hazardous conditions, and to reaffirm their role in making individual decisions about such matters.
- To ensure a consistent understanding and application of leaves requested by employees for absences due to storms or hazardous conditions.
- To ensure a consistent understanding that government offices will only be closed under extreme circumstances.
- To establish a framework to facilitate the making of decisions to close regional offices due to extreme storm or hazardous conditions in one or more regions.

Application and Exceptions

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and other direct employees of the provincial government. The policy applies to all bargaining unit staff who are employed by the Government of Nova Scotia, unless it conflicts with the collective agreement, in which case the collective agreement shall apply.

Because of the unique nature of some government departments, facilities and services, this policy may not be applicable. These exceptions include the Nova Scotia Agricultural College, correctional centres, courts, some services provided by the Department of Transportation and Public Works and certain designated services, as determined by departmental deputy heads in consultation with the Public Service Commission, and/or as set out in relevant collective agreements.

Policy Directives

GOVERNMENT OFFICES AND WORKSITES REMAIN OPEN

- Government offices and worksites will normally remain open during storms or hazardous conditions. Employees are expected to make every effort to report for duty and to remain at their work stations during their scheduled working hours.
- With the exception of those employees who provide designated services as defined in this policy, employees should assess their own ability to get to and from work safely and, where possible, consult their immediate supervisor.
- Employees may make a personal decision to take time off. In such circumstances, time lost by an employee as a result of absence due to storm or hazardous conditions may:
  - i) be made up by the employee at a time agreed upon between the employee and the employee's immediate supervisor, or
  - ii) be charged to the employee's accumulated vacation, unused holiday time, or accumulated overtime where such an entitlement exists, or
  - iii) be taken as leave without pay.
- Provisions (i), (ii), and (iii) shall also apply in situations where an office or worksite has not been closed in accordance with this policy, but remains physically unopened because of a decision by staff at that worksite to take time off. In these situations, where there has been no decision made to close the office or worksite, employees will be required to make up or charge time lost to accumulated leave, according to the provisions noted above. Employees who arrive at the worksite and are unable to gain access are directed to contact their immediate supervisor for instructions. Having attempted to report for work, these employees may be granted paid leave. Departments may develop guidelines to further address these types of situations, as appropriate.
- Where advance preparation for the possibility of closure includes consideration of the option of working from home, and where this option has been pre-approved by the immediate supervisor, such time shall serve as worked time.
- Reasonable lateness beyond the beginning of an employee's regular shift starting time, as determined by the immediate supervisor, shall not be subject to provisions (i), (ii), and (iii) above where the employee is able to establish to the satisfaction of the immediate supervisor that every reasonable effort has been made by the employee to arrive at their work site at the scheduled time.

- The employer (as represented by the immediate supervisor or manager) may, in the event of storm conditions or because of the condition of public streets and highways, and in circumstances where it can be accommodated within operational requirements, determine it appropriate to allow employees to leave work prior to the end of their regular shift. Employees will not be required to make up this time.

CLOSURE OF GOVERNMENT OFFICES ORWORKSITES

- In exceptional circumstances, a decision may be made to close some or all government offices or worksites, due to extreme storm or hazardous conditions. In only those situations will affected employees be granted leave with pay for their regularly scheduled work hours.
- In recognition that weather and other conditions will differ from one region of the province to another, it may be appropriate for government offices or worksites in one or more regions to close while others remain open.
- When there is a decision made to close all offices or worksites across the province or all those in the Halifax Regional Municipality, the Deputy Head of Treasury and Policy Board, in consultation with the Public Service Commissioner, will make this decision. The Deputy Minister, Treasury and Policy Board or a designate will advise other deputy heads of all such decisions.
- When a decision to close some or all offices or worksites within regions outside the Halifax Regional Municipality may be required, a small committee of regionally based senior employees, appointed in consultation with deputy heads, will consult and advise the Deputy Head of Treasury and Policy Board, who shall make the closure decision. Should the Deputy Minister, Treasury and Policy Board not be available to the Committee, the Committee may make and communicate the decision.
- All closure decisions shall be communicated in accordance with guidelines developed under this policy, in as timely a fashion as circumstances permit.
- Until and unless employees have been informed of a closure through the government website, through email or other notice from the Deputy Head, Treasury and Policy Board, by their immediate supervisor or through the media, they are advised to assume business as usual and to act in accordance with this policy.

Policy Guidelines

- When deciding to close government offices or worksites, the following will be considered:
- local weather forecasts and conditions
- Transportation and Public Works road reports

- the presence or threat of other safety hazards
- special measures authorized by the Emergency Measures Organization (e.g., state of emergency)
- other available information and agency advisories
- Departments may issue guidelines, to assist in the implementation and administration of this policy and to facilitate consistency at regional levels. These guidelines should be developed in consultation with Treasury and Policy Board and must in all cases be consistent with and reflective of this policy. Only this policy shall apply where such guidelines are found to be in conflict.

Accountability

EMPLOYEES

Employees are responsible for acting in accordance with this policy.

IMMEDIATE SUPERVISORS/MANAGERS

Immediate supervisors/managers are responsible for ensuring that employees are informed of this policy and for ensuring its fair and consistent application in their respective worksites.

DEPUTY HEADS

Deputy heads are responsible for the timely designation of services for which employees who provide them are required to report to or remain at work in the event of government office or worksite closures under this policy.

Deputy heads are also responsible for the fair and consistent application of this policy within their departments, as well as the delegation of responsibility for communication of closure decisions, as required.

TREASURY AND POLICY BOARD

Except as otherwise provided for in this policy, the Deputy Head of Treasury and Policy Board is responsible for making the decision to close government offices in the event of extreme storm or hazardous conditions. The Treasury and Policy Board Communications Advisor is responsible for initiating the broad communication of closure decisions, in accordance with guidelines developed under this policy.

The Deputy Head of Treasury and Policy Board, along with other deputy heads, is also responsible for the fair and consistent application of the policy across all government departments and for consultation with the Public Service Commissioner with respect to the impact of this policy on, and its application to, government employees.

Monitoring

Treasury and Policy Board is responsible for monitoring the effectiveness and the consistent application of this policy, and may periodically conduct audits of departmental practices.

References

Civil Service Act
Civil Service Regulations
Master Civil Service Collective Agreement
Public Service Act

Enquiries

Treasury and Policy Board
424-8910

***Approval date:** November 28, 2005*
***Approved by:** Deputy Minister, Treasury and Policy Board*
***Manual release date:** January 9, 2003*
Most recent review:

Chapter 13: Employee Liability

13.1 Employee Liability

Employee Liability

The employer will defend, negotiate, or settle claims in which an employee's negligence is alleged and also will pay damages when necessary, provided the employer is satisfied that the employee acted within the scope of his/her employment.

Whenever the employer does defend an employee pursuant to the aforementioned, the employer will be in control of the case.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: ***February 17, 1999***

Approved by: ***Judith Sullivan-Corney, Deputy Minister***

Manual release date: ***January 9, 2003***

Most recent review:

13.2 Provincial Appointee Liability

Provincial Appointee Liability

The province will defend, negotiate, or settle claims or charges made against a person appointed by the province to any agency or board, including board of directors of a corporation or commission, and indemnify them from personal liability, provided the selection of the person was at the sole discretion of the province and the province is satisfied the claim arises out of the person's activities in relation to the appointment and is not based on fraud or criminal activity.

Wherever the province defends an appointee pursuant to the aforementioned, the province will be in control of the case.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: September 9, 1997
Approved by: Priorities and Planning Committee

Manual release date: January 9, 2003
Most recent review:

Chapter 14: Occupational Health and Safety

14 Occupational Health and Safety

Policy Statement

Government, as an employer, values the health and safety of employees. It is therefore, the policy of the Government of Nova Scotia to protect and promote employee health and safety and to take every precaution, reasonable in the circumstances, to ensure that workplaces are safe and healthy for employees, clients, and the general public as they may come in contact with government work sites. The *Occupational Health and Safety Act* and accompanying regulations of the province, along with acceptable occupational health and safety practices, shall describe the minimum standard expected for health and safety in government workplaces.

Government recognizes and values the knowledge and skills of employees with regard to performing their jobs safely and will promote a workplace culture where employees are supported and encouraged to contribute to health and safety programs and initiatives. Government commits to working in partnership with employees and their representatives, through the internal responsibility system, to develop and implement measures in order to eliminate and minimize risk of occupational injury and illness in the workplace.

Government holds all levels of departmental management responsible for implementing this policy, an occupational health and safety program specific to the department, and for ensuring that the department is in compliance with the *Occupational Health and Safety Act* and regulations. All departmental employees are responsible to comply with the duties set out in this policy, to follow the department health and safety program, and to co-operate with the joint occupational health and safety committees and representatives. Outside contractors are to be informed of the sections of this policy that impact on them, and they will be held responsible to implement those sections.

Definitions

DEPUTY HEAD

The deputy minister or designate of a department or the senior administrative officer of an agency not reporting through a deputy minister.

DEPARTMENT

Department in this policy refers to government departments, agencies, boards and commissions.

Policy Objectives

The objectives of this policy are to ensure that all government workplaces are in compliance with the *Occupational Health and Safety Act* and regulations and that every precaution, reasonable in the circumstances, is taken to provide for a healthy and safe work environment. Implementation of this policy, through the establishment of an occupational health and safety program, based on the concepts of internal responsibility, will assure that management and employees work together to promote health and prevent workplace injuries and illnesses.

GUIDING PRINCIPLES

- Health and safety is a shared responsibility. Employees at all levels of the organization are responsible and accountable to work safely at all times, to identify and report hazards, and to take whatever measures are necessary and reasonable in the circumstances to protect and promote health and safety.
- Each department is responsible for implementing and complying with this policy in all areas of departmental operations. Each level of departmental management is responsible for providing a safe and healthy work environment for the employees in the department and achieving the objectives of this policy. Without limiting the responsibility of other levels of departmental management, policy implementation, compliance, and the provision of a healthy and safe work environment are part of the deputy head's general responsibility for departmental management and operations, including administration and implementation of laws and policies applicable to government employees.
- Departmental management is responsible for ensuring that the workplace is healthy and safe, that employees are advised of actual or potential hazards, and that they are instructed in and follow safe work procedures.
- Active employee participation, involvement, and full co-operation with those exercising responsibilities in health and safety are key ingredients in effective health and safety programs.
- The departmental joint occupational health and safety committees are key mechanisms for the collaborative, co-operative initiation, maintenance, and support of health and safety programs.
- Departmental occupational health and safety programs will be coordinated and consistent with this policy and with any other government policies and guidelines regarding safety and security of the public and environmental protection.
- Health and safety rules and practices shall be enforced in the workplace, shall be reasonable and consistent, and shall be in compliance with the *Occupational Health and Safety Act* and regulations.

Application

EMPLOYEES

This policy applies to all employees of the Government of Nova Scotia. This policy must be part of orientation activities for new employees and must be reviewed with all current employees at the time of coming into effect. Any changes made to this policy are also to be reviewed with all employees as soon as the changes come into effect.

VOLUNTEERS

Volunteers are not considered employees under the *Occupational Health and Safety Act*, and as such, are not afforded the same rights as employees under the act. However, the act requires employers to ensure the health and safety of all persons, including volunteers, at or near the workplace.

CONTRACT WORK

This policy also applies to those who undertake work for government departments by contract. Any contracted work that is carried out by a party who contracts for the work must be in accordance with the *Occupational Health and Safety Act* and regulations and with any applicable government policies or practices.

Government will, in relation to contract work, supervise, to the extent of its ability and authority, the party who contracted the work for compliance with the *Occupational Health and Safety Act* and regulations and any applicable government policies or practices. Government will advise all parties involved in contracted work, along with the joint occupational health and safety committee, of government policies, procedures, any known hazards, and other matters that relate to the work.

Policy Directives

LEGISLATION

This policy is concerned with the *Occupational Health and Safety Act* and regulations made pursuant to the act. In essence, the purpose of the act is to prevent occupational injury and illness in the workplace. All government workplaces shall meet or exceed the regulatory requirements of the act.

YEARLY REVIEW

This policy is to be reviewed on a yearly basis in consultation with departmental occupational health and safety committees and representatives.

POSTING IN GOVERNMENT WORKPLACES

This policy is to be readily accessible to all employees and shall be posted in all government workplaces.

OCCUPATIONAL HEALTH AND SAFETY PROGRAM

An Occupational Health and Safety Program, including departmental arrangements for occupational health and safety committees, occupational health and safety representatives (where required), a defined occupational health and safety concern/complaint procedure, a refusal-to-work procedure, and programs specific to a department's operational needs, is to be developed in consultation with the committee or representative. The program is to be implemented, maintained, evaluated, and communicated to all employees in order to meet the requirements of this policy and of the *Occupational Health and Safety Act* and regulations.

The Occupational Health and Safety Program shall include, but not be limited to:

- provision for the training and supervision of employees in matters related to health and safety. Departments must ensure managers, supervisors, and employees receive information and training regarding their duties and responsibilities under this policy and under the *Occupational Health and Safety Act* and regulations, including occupational health and safety committee or representative training. Additional training shall address relevant occupational health and safety programs, workplace hazards, and safe work practices
- provision for the preparation of written work procedures, as is required to implement healthy and safe work practices, including those required pursuant to the *Occupational Health and Safety Act*
- provision for the establishment and continued operation of occupational health and safety committees, including maintenance of records, rules of procedure, and access to a level of management with authority to resolve health and safety matters
- provision for the selection and functions of an occupational health and safety representative, where required, and for access to a level of management with the authority to resolve health and safety matters
- provision for a hazard identification system that includes the evaluation of the workplace to identify potential hazards, procedures and schedules for regular inspections, procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and identification of the circumstances where hazards must be reported by the employer to the committee or representative and the procedures for doing so

- provision of a system for workplace occupational health and safety monitoring, prompt follow-up, and control of identified hazards
- provision of a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent reoccurrence
- provision for the maintenance of records and statistics, including occupational health and safety documents required under the *Occupational Health and Safety Act*, with provision for making them available according to the *Occupational Health and Safety Act*
- provision for monitoring the implementation and effectiveness of the program
- provision for making a copy of the program available to the committee, a representative, and any employee so requesting.

REPORTING

All employees shall report, without fear of reprisal, any and all workplace hazards and any health and safety concerns to their immediate manager/supervisor, who is responsible to conduct an investigation and initiate a process to address the issue. Matters that are not resolved satisfactorily at the level of the management/supervisor are to be referred to the joint occupational health and safety committee. An employee who is not satisfied with the outcome shall take the complaint to the Occupational Health and Safety Division of the Department of Environment and Labour.

CONFIDENTIALITY

Information gathered, including personal and confidential medical information, is to be managed in accordance with the *Occupational Health and Safety Act*, s. 53, 61, and 62, regulations and pertinent government policy.

Accountability

LINE DEPARTMENTS/EMPLOYER

Because of the nature and structure of government as an employer, organized into departments and operating throughout the province, and because the government work force is occupationally diverse, the responsibility for workplace health and safety has been assigned to each department and to each deputy head, who is generally responsible for the management of departments and departmental staff and for the implementation and administration of laws and policies applicable to government employees. Government is the employer under the *Occupational Health and Safety Act* and regulations and, like all employers, continues to be responsible for compliance with the act and regulations.

DEPUTY HEADS

Deputy Heads are responsible to:

- ensure that the department adheres to this policy
- ensure that there is strategic direction and planning for the department's health and safety program to implement the Occupational Health and Safety Policy
- integrate occupational health and safety in the department's business by allocating resources for health and safety programs, initiatives and providing training
- ensure that responsibility/authority for workplace safety is delegated to trained and competent personnel, and hold executive staff (including deputy heads), managers and supervisors accountable by including health and safety responsibilities in written performance objectives
- ensure that audit results of the health and safety program initiatives are reviewed and appropriate action is taken
- ensure that the department complies with the *Occupational Health and Safety Act* and regulations and all orders and requirements of the Department of Environment and Labour officers, director, or minister
- ensure that the Public Service Commission is informed of any significant departmental activity, any work related death of an employee, including the incident investigation report, or any decision of the department related to health and safety that has or may have government-wide implications.

MANAGEMENT/SUPERVISORS

Management/Supervisors are responsible to:

- adhere to this policy and ensure compliance with the *Occupational Health and Safety Act* and regulations within workplaces under their supervision
- integrate preventive health and safety practices into departmental activities and hold employees accountable for following safe work practices through performance appraisals
- provide information and training to employees to protect their health and safety, provide training in the skills necessary for responsible partnership in workplace health and safety, and maintain records of all such training
- communicate information concerning workplace hazards to employees and the necessary control procedures to be practised
- take action immediately upon any report or suspicion of unsafe or hazardous conditions or situations
- supervise employees and audit work processes to ensure that employees work in the manner, and with the protective devices, measures and procedures, required

- co-operate with employees and the departmental joint occupational health and safety committee or representative and any person performing a duty under the *Occupational Health and Safety Act* and regulations, to promote a healthy and safe workplace
- respond in writing to recommendations from the joint occupational health and safety committee or representative, when requested, and within the deadline specified in the *Occupational Health and Safety Act*
- evaluate health and safety performance and provide feedback to the deputy head
- ensure that all Department of Environment and Labour orders and requirements are satisfied in a timely manner and report all such activities, including progress reports, to the deputy head.

EMPLOYEES

Employees are responsible to:

- work in accordance with the *Occupational Health and Safety Act* and regulations
- adhere to this policy, departmental occupational health and safety program(s), and all other management policies and directives on healthy and safe job performance to ensure compliance with the *Occupational Health and Safety Act* and regulations
- ensure that work activity and behaviour do not, through act or omission, place their own health and safety, or the health and safety of others, at risk
- report any and all workplace hazards and any health and safety concerns to the immediate manager/supervisor, occupational health and safety committee/ representative, or the Department of Environment and Labour
- report all personal injuries, property or equipment damage, and near-miss incidents, no matter how minor, to the manager/supervisor in a timely manner
- follow established safe work procedures; wear personal protective equipment, as required and as instructed; and use machinery, equipment and materials, only as authorized and as trained
- participate, wherever possible, in defining safe job procedures and in opportunities to protect and promote health and safety on the job
- co-operate with the joint occupational health and safety committee, the occupational health and safety representative, or any person performing a duty under the *Occupational Health and Safety Act* and regulations.

DEPARTMENTAL JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

The departmental joint occupational health and safety committee is a collaborative employer-employee body established to jointly address health and safety issues in the workplace and is responsible to:

- perform the functions of a joint occupational health and safety committee as defined in the *Occupational Health and Safety Act* and regulations
- hold regular meetings in accordance with written terms of reference and operating procedures and maintain minutes and records of committee activities
- work co-operatively with employees and management to identify hazards to health and safety and to develop, implement, and evaluate health and safety programs designed to respond to the hazards
- receive, investigate, and make recommendations for the prompt disposition of health and safety complaints or concerns and work refusals
- participate in inspections, inquiries, investigations, and audits concerning health and safety and follow up with action plans when needed
- advise on the development, implementation, and evaluation of an occupational health and safety policy and programs designed to improve workplace health and safety or to meet health and safety objectives
- participate in health and safety educational and training programs for employees and advise on the use of personal protective equipment
- make written recommendations as is considered appropriate
- participate in the co-operative auditing of the workplace to determine compliance with occupational health and safety requirements.

OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVE

The occupational health and safety representative acts on behalf of employees (in workplaces with 5 to 19 employees) together with the employer on matters of health and safety and is responsible to:

- perform the functions of an occupational health and safety representative as defined in the *Occupational Health and Safety Act* and regulations and maintain records of such activities
- work co-operatively with employees and management to identify hazards to health and safety and to develop and implement programs to respond to the hazards
- receive and co-operate with the employer in the investigation and prompt disposition of health and safety complaints or concerns of employees
- participate in inspections, inquiries, and investigations concerning health and safety of employees
- participate in the development, implementation, and evaluation of health and safety programs for the workplace
- participate in health and safety educational and training programs for employees, including the use of personal protective devices

- advise and make recommendations regarding the occupational health and safety policy and program and for the improvement of health and safety in the workplace
- participate in the co-operative auditing of compliance with the occupational health and safety requirements in the workplace
- make written recommendations as is considered appropriate.

PUBLIC SERVICE COMMISSION

The Public Service Commission, in collaboration with government departments, provides and monitors implementation of corporate policies and program guidelines, and offers a support and consultative service, to assist departments and employees in meeting their responsibilities for health and safety.

The Public Service Commission will:

- coordinate the development and review of the corporate health and safety policy, corporate occupational health and safety programs and guidelines
- provide a consultative support service to departments on matters relating to occupational health and safety
- provide corporate statistical reports on departmental and corporate performance on key health and safety indicators
- monitor, audit, and evaluate occupational health and safety compliance and performance with legislated standards in government workplaces
- lead corporate initiatives, work with departments, joint health and safety committees, and health and safety representatives to facilitate improvements in health and safety and to prevent workplace injuries and illnesses
- liaise with the unions, external agencies, and the Department of Environment and Labour on health and safety issues and government-wide initiatives to ensure that the obligations of government are met under the *Occupational Health and Safety Act* and regulations.

JOINT OCCUPATIONAL HEALTH AND SAFETY MASTER COMMITTEE

The Joint Occupational Health and Safety Master Committee is a committee established under the Nova Scotia Government and General Employees Union (NSGEU) collective agreements and has representatives from the Public Service Commission, NSGEU, Canadian Union of Public Employees (CUPE), and government departments.

This committee is responsible to:

- provide input to the development of corporate policy, program(s), and guidelines

- make recommendations to the Public Service Commissioner and to the union executive on issues of health and safety that are of government-wide concern and of strategic significance to government workplaces in general.

Monitoring

LINE DEPARTMENTS

The deputy head in each department will ensure that monitoring of the implementation of the policy takes place in the department and that there is reporting on the performance and effectiveness of departmental occupational health and safety programs and initiatives.

PUBLIC SERVICE COMMISSION

The Public Service Commission will actively monitor and audit compliance with the corporate Occupational Health and Safety Policy and legislated standards and may evaluate occupational health and safety policy performance in government departments.

References

Occupational Health and Safety Act, 1996, c.7, s.1
Freedom of Information and Protection of Privacy Act, 1993, c.5, s.1, 4A(1), 4A(2)(m), and 27(a)
Reference Guide to the *Occupational Health and Safety Act*, Department of Environment and Labour, August, 2004

Enquiries

All enquiries relating to the interpretation and application of this policy should be referred to:

Occupational Health and Safety Consultant
Public Service Commission
PO Box 943
Halifax, Nova Scotia B3J 2V9
Phone: (902) 424-8037
Fax: (902) 424-0631

Approval date: May 14, 1997
Approved by: Executive Council

Manual release date: January 9, 2003
Most recent review: December 29, 2004

Chapter 15: Employee Assistance Program

15 Employee Assistance Program

Introduction

The Government of Nova Scotia cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Serious personal or family problems are usually amenable to treatment and rehabilitation. For instance, alcoholism is a treatable disease that has devastating effects on one's personal health, family, and work life. Drugs, gambling, family problems, and emotional distress can have similar effects. Most people solve their problems either on their own or with the advice of family and friends however, people sometimes need professional advice. The Government of Nova Scotia, through its Employee Assistance Program, provides access to professional counselling services for its employees, and those in need of professional assistance are encouraged to use the program.

Purpose of the Employee Assistance Program

The purpose of the Employee Assistance Program is to offer confidential assistance to employees who have the potential to be adversely affected by personal problems.

Basic Principles

- Early intervention is desirable in dealing with any personal or family problems.
- Management and unions working co-operatively through the Employee Assistance Program can help employees deal with personal problems.
- In formal referrals, the employer's concern with employee problems is limited to efforts to address deteriorating work performance. The supervisor or manager is responsible for identifying with the employee when job performance is below standard. The supervisor is not responsible for diagnosing the nature of a personal problem, and the Employee Assistance Program is not designed to interfere with an employee's private and social life.
- The Employee Assistance Program applies equally to all government employees, dependents, and significant others.
- The Employee Assistance Program encourages employees to voluntarily seek help (self-referral) for personal problems. The Employee Assistance Program is strictly voluntary; mandatory referral is not used.

- Confidentiality is the cornerstone of the Employee Assistance Program. Employees' access to the program is voluntary and will not be conditional on a consent to release information to management. Information is not released to anyone without the employee's written consent. Legally, "confidentiality" refers to the obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information.
- An employee's current job and opportunity for promotion or advancement will not be jeopardized by using the services of the Employee Assistance Program.
- The Employee Assistance Program recognizes the need for granting of leave for the purpose of counselling and or treatment; existing agreements covering employee health benefits will be used.
- The Employee Assistance Program does not alter management's responsibility to maintain discipline or the right to take disciplinary measures within the framework of the agreement, nor does it alter the union's prerogatives.
- The Employee Assistance Program is not designed to assist in "conflict resolution" between employees and/or managers. These matters should be resolved through established administrative procedures and/or collective agreements. The Employee Assistance Program can help the employee deal with personal consequences of conflicts that may be work related.

Access to the Government Employee Assistance Program

- civil servants
- statutory departmental appointments (including adult correctional institutions)
- casuals with over six months of accumulated service
- members of the Canadian Union of Public Employees employed with the Department of Transportation and Public Works
- Order-in-Council appointees
- MLAs
- retirees
- any of the above who are on long-term disability
- other groups might be added, due to mobility of departments, with approval of the advisory committee.

To be included in the category of family members for the purpose of inclusion in the Employee Assistance Program are the following:

- spouses (including common law spouse and significant others)
- dependent children, as defined under the benefits plan.

Areas of Assistance

The Employee Assistance Program provides assistance with a broad range of personal concerns, including, but not limited to:

- marital, family and relationship problems
- substance abuse (alcohol, drugs, prescription medication) and other addictive behaviours such as gambling
- personal debt and financial management problems
- stress (family, social, job)
- family violence
- psychological problems
- sexual harassment
- work-related conflicts.

Eligibility for the Program

The program is available to all individuals as outlined in the employee groups and dependents list.

Program Operation

- The Employee Assistance Program acts as an intake and referral system, using agencies and services in the community to provide ongoing assistance as appropriate and required. Early recognition of a problem is an important objective, to enable an employee to receive help before a crisis develops. Whenever possible, public community services will be used initially.
- Participation in the Employee Assistance Program is not an alternative to discipline, nor is it to be used by management as a disciplinary measure. Mandatory referral is not used in the Employee Assistance Program. The intent is to allow employees the chance to voluntarily seek help with personal problems.
- Any employee can consult, on a confidential basis, with the Employee Assistance Program Coordinator concerning access to the program or to ask general information.
- There shall be an Employee Assistance Program Advisory Committee composed of

three members from management, three members from the Nova Scotia Government Employees Union, two members from Canadian Union of Public Employees, the Employee Assistance Program Coordinator as advisor, and advisors as agreed upon by the advisory committee.

- There is no cost for employees to consult with the Employee Assistance Program Coordinator. If further counselling is necessary, the Employee Assistance Program Coordinator will outline community and private services available. Any costs associated with private services are the responsibility of the employee unless otherwise advised.

Rights and Responsibilities

PREAMBLE

- Maintenance of acceptable job performance is a shared responsibility.
- Performance goals must be set by the manager along with the employee and achievements measured against these goals.
- The employee, coached by the manager, responds by accepting responsibility for maintaining satisfactory job performance.
- Declining job performance should be addressed from a number of perspectives. The organization must have policies and procedures in place for setting standards and measuring performance as well as documented procedures to consistently respond to the results, both positively and negatively.
- The organization acknowledges exemplary performance by recognition of individuals and groups of employees for this type of performance.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

- Personal information concerning employee participation in the Employee Assistance Program is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file. Access is limited to Employee Assistance Program staff. An employee may review the Employee Assistance Program file at any reasonable time. The Employee Assistance Program file is destroyed after seven years following closure of the case.
- Participation in the Employee Assistance Program shall not jeopardize an employee's job nor prejudice any opportunity for promotion or advancement.
- Leave may be granted in accordance with the collective agreement and/or terms and conditions of employment for professional assessment, counselling, and treatment.
- It is the responsibility of the employee to maintain satisfactory job performance. In the event that personal problems cause deterioration of work performance, the

employee has a responsibility to obtain the necessary help to bring job performance up to an acceptable level. The Employee Assistance Program offers a means to obtain this help.

MANAGER'S RESPONSIBILITIES

- Address work performance problems through normal supervisory procedures.
- Be consistent and treat employees fairly.
- Make employees aware of the Employee Assistance Program in instances where declining job performance has been determined, if appropriate.
- Do not attempt to diagnose personal problems of the employee or offer a personal opinion.
- Provide follow-up and support to employees upon return to work, if appropriate.
- Do not require the employee to divulge the nature of the problem when requesting leave for an appointment with the service providers under the Employee Assistance Program. If necessary, the employee can provide verification of attendance through the Employee Assistance Program Coordinator.
- Maintain a strict level of confidentiality with all cases.

UNION'S RESPONSIBILITIES

- Be knowledgeable about the program and the referral procedure.
- Encourage members to use the Employee Assistance Program if appropriate.
- Maintain a strict level of confidentiality with all cases.

EMPLOYEE ASSISTANCE PROGRAM COORDINATOR'S RESPONSIBILITIES

- Oversee the Employee Assistance Program to ensure effective and consistent application of the policy and procedures.
- Provide information sessions to management and union personnel regarding the Employee Assistance Program.
- Promote the Employee Assistance Program in the workplace.
- Develop and maintain an accurate, current data bank on "helping" resources and services in the community, including a brief description of services available and the cost, if any, of the service.
- Liaise with service providers to assure service standards are acceptable and meet the requirements of clients.
- Conduct screening and preliminary assessment for persons contacting the Employee Assistance Program for assistance. Provide full information regarding participation in the program.
- Refer the employee to a professional counsellor for detailed assessment and treatment as appropriate.

- Follow up as appropriate with the individual to assure assistance was beneficial.
- Assist the employee in his or her return to the work environment as appropriate.
- Provide consultation to managers regarding the Employee Assistance Program services.
- Organize and/or facilitate, on an ongoing basis, educational programs for employees about the Employee Assistance Program's services.
- Maintain all information on employees participating in the Employee Assistance Program in a confidential, secure manner.
- Prepare and submit an annual report on the program to the Employee Assistance Program Advisory Committee and the Minister.
- Provide feedback to management as to areas where special attention or training is required.

ADVISORY COMMITTEE'S RESPONSIBILITIES

- Review established policy to ensure agreement and understanding of procedures and practices.
- Develop and recommend changes in program policy as necessary after receiving input from interested parties.
- Develop strategies in conjunction with the Employee Assistance Program Coordinator to ensure that employees are aware of the Employee Assistance Program.
- Oversee an evaluation of the program.
- Prepare a report on the activities of the committee as deemed necessary or required.

Access, Referral, and Offers of Assistance

Access to the Employee Assistance Program can be either self-initiated or employer-initiated. The decision to seek assistance through the Employee Assistance Program is always voluntary. When an offer of assistance is made by the employer, it is not mandatory for the employee to accept the offer.

SELF-INITIATED

An employee recognizes that a problem exists and seeks assistance by calling the Employee Assistance Program Coordinator directly. This may have resulted from a process of self-realization or from a family member, friend, co-worker, or supervisor sharing concern for the employee and informally suggesting the use of the Employee Assistance Program. These self-referrals are treated with strict confidentiality. The employee's supervisor will not be informed of the nature of the problem unless the employee requests this to happen. The employee is responsible for obtaining approval for any required time-off associated with the use of the Employee Assistance Program.

EMPLOYER-INITIATED

The manager is responsible for addressing with the employee deteriorating work performance and providing guidance to help the employee improve work performance. An employee accepts responsibility for keeping job performance at a pre-established acceptable level. If job performance does not improve or shows continuing deterioration, then the manager may initiate a formal offer of assistance. It is not mandatory for the employee to accept this offer. Prior to initiating a formal offer of assistance, the supervisor should consult with the Employee Assistance Program Coordinator concerning the appropriateness of the offer.

INFORMAL

The supervisor will ensure that the employee receives an informal offer of assistance prior to initiating a formal offer of assistance. Such offers will be documented. Certain workplace behaviour could result in an employer-initiated formal offer of assistance without there being previous informal offers.

FORMAL

The formal employer-initiated offer of assistance is to be in writing on the prescribed form (Appendix 15-A). The employee has the right to refuse the offer. A formal offer of assistance is to be delivered confidentially to the employee, with a confidential copy to the Employee Assistance Program Coordinator and a copy retained in a confidential departmental/agency master personnel file.

Referral by the Employee Assistance Program Coordinator

ASSESSMENT

The employee is responsible for making contact with the Employee Assistance Program staff. During the initial contact, the Employee Assistance Program staff will explain the Employee Assistance Program, including confidentiality of the program and the exceptions, the employee's rights and responsibilities, and full information about participation in the program.

The employee assistance professional and the employee will conduct a preliminary assessment of the problem. The coordinator will provide information and, if appropriate, encourage the employee to accept referral for counselling and treatment. Upon completion of the preliminary assessment, the coordinator and the employee will discuss the options that appear to be most realistic and attainable for the employee in resolving the problem. The employee will choose the treatment service, and a referral will be facilitated.

REFERRAL

The employee assistance professional will conduct a preliminary assessment of the problem with the employee. The employee assistance professional will be knowledgeable about the appropriate services in the community and will assist the employee with making referral arrangements.

COORDINATION AND FOLLOW-UP

The employee assistance professional will maintain an informal but planned follow-up procedure. The employee assistance professional will work with the employee to ensure appropriate services are received in a timely manner. Contact with any treatment agency or the employer will only be at the request of the employee.

Confidentiality

A primary principle of Employee Assistance Program is to maintain confidentiality throughout every level of the program. An employee accessing the Employee Assistance Program needs confidence in the privacy of this relationship.

Legally, "confidentiality" refers to the obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information.

An Employee Assistance Program worker who is subpoenaed to surrender records or to testify in court is not in breach of his or her confidentiality obligations.

An Employee Assistance Program worker would not be in breach of confidentiality obligations by complying with the mandatory reporting provisions of the provincial child abuse legislation or the obligation to warn intended victims of violence.

The Employee Assistance Program Staff will maintain the minimum amount of information required to assist the employee. Files will be available for review by the employee at any reasonable time. Employee Assistance Program files shall be destroyed after seven years following closure of the case.

In many cases, the employee contacting the Employee Assistance Program Coordinator will wish to remain anonymous. Personal identifying information will not be required to carry out preliminary assessment and referral to a helping resource in the community.

All persons employed within the Employee Assistance Program are bound by conditions of strict confidentiality.

Summary

The Employee Assistance Program can benefit everyone. Employees obtain help with personal problems that may be affecting their well-being, family life, or work performance. The employer benefits by retaining employees with valuable skills and knowledge. Early use of the program can contribute to the prevention of serious problems for the individual employee, family, and employer.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendix

Appendix 15-A - Formal Offer of Assistance Form

Approval date:	***Manual release date:* *January 9, 2003***
Approved by:	***Most recent review:***

Appendix 15-A

Confidential
Formal Offer of Assistance

TO: DATE:

On ________________________we discussed your job performance and the

opportunities available through the Employee Assistance Program.

If you decide to accept this offer, an appointment is scheduled for you at

___________________(time) on______________________(date).

__________________________________ Date: ________________

Signature of Supervisor

Read and understood ____________________________

Signature of Employee

1) This is not a mandatory referral and the employee is not obligated to attend.
2) A copy of this form is to be delivered to the departmental/agency master personnel file maintained in a separate, confidential manner by the Human Resource Manager.

Chapter 16: HIV/AIDS in the Work Place

16 HIV/AIDS in the Work Place

Policy Statement

The Government of Nova Scotia prohibits discrimination against employees, clients or job applicants living with or affected by HIV (Human Immunodeficiency Virus) or AIDS (Acquired Immune Deficiency Syndrome).

HIV infection and AIDS will be treated the same as other illnesses in terms of employee policies, programs and benefits such as sick leave, dental, health, disability, and life insurance. Employees living with or affected by HIV infection and AIDS will be treated with compassion and understanding, as are employees with other disabling conditions.

Government is committed to maintaining a safe and healthy work environment for all employees and clients. This commitment stands on the recognition that HIV and therefore AIDS, is not transmitted through casual contact. HIV positive persons pose virtually no risk to those with whom they interact in most circumstances in the workplace.

In work situations where there is occupational risk of exposure to HIV, appropriate occupational health and safety practices and employee training shall be implemented.

Policy Objectives

The objectives of this policy are to create a workplace environment and culture where:

- HIV/AIDS related issues are managed effectively and in a compassionate, supportive manner
- there is no tolerance for any form of discrimination or harassment
- individual privacy (confidentiality) and human rights are respected
- health and safety practices are implemented that serve to eliminate or reduce the risk of exposure to HIV infection through the performance of job duties
- employees are informed about HIV/AIDS, including how it is transmitted and how to protect themselves

Application

This policy applies to all employees of the Government of Nova Scotia.

Policy Directives

- Employees and persons seeking employment will not be required to undergo testing to determine the presence of HIV antibodies, unless it has been determined to be a bona fide occupational requirement.

  In cases of occupational exposure to blood or body fluids, HIV testing will be offered as part of a post exposure protocol accompanied by appropriate counseling, including information regarding Workers' Compensation. All testing will be voluntary and carried out with informed consent.
- Employees at potential risk of exposure to HIV or with the potential to transmit HIV, because of job duties or responsibilities will be provided hazard information and a hazard control program consistent with the requirements of the *Occupational Health and Safety Act*. The program must be based on accepted occupational health and safety standards and provide the personal protective equipment recommended by currently accepted bloodborne pathogen control strategies.
- Employees with HIV/AIDS, as any illness or injury, will be encouraged and supported to continue working as long as they are able to perform the essential components of their job safely, meet acceptable performance standards, and can be reasonably accommodated.
- Employees are expected to continue working relationships with any co-worker or client who has or is perceived to have HIV infection or AIDS. A refusal to work with, withhold services from, harass or otherwise discriminate against an individual with HIV infection or AIDS will be subject to the same disciplinary procedures that apply to other policy violations.
- Employees' personal information will be protected in accordance with the *Freedom of Information and Protection of Privacy Act*. When medical information of a confidential nature is required from employees, as in the benefit and disability management process (return to work process), it shall be kept confidential and disclosed only as required by law. Managers will be provided " fitness for work information", and not information of a medically confidential nature, when employees are returning to the workplace after an injury or illness on a modified/ alternate work assignment.

- Government departments must make reasonable efforts to provide managers and employees with educational programs and guidelines that support the prevention of infection with HIV and that will assist in the management of issues related to HIV infection and AIDS in the workplace. Such programs will include current information about HIV/AIDS and about rights and responsibilities regarding HIV/AIDS in the workplace.
- New employees are to be informed of this policy as part of orientation activities.

Accountability

DEPUTY HEAD

The Deputy Head of each department, agency, board and commission is responsible for ensuring the consistent application of this policy.

DIRECTORS OF HUMAN RESOURCES/DEPARTMENTAL MANAGEMENT

Directors of Human Resources and departmental management are responsible for the establishment and administration of internal programs and procedures to address particular needs related to this policy, including occupation-specific risk of exposure and for supporting the effective management of issues related to HIV infection and AIDS in the workplace.

PUBLIC SERVICE COMMISSION

The Public Service Commission is responsible for developing and maintaining this Policy and for providing advice and assistance to departments in order to manage HIV/AIDS workplace issues effectively. The Public Service Commission will provide advisory support to line departments in the development of programs to meet specific needs, including the case management of ill or injured employees and employee educational programs.

Monitoring

Departments are responsible for the consistent implementation and monitoring of the policy.

The Public Service Commission will consult periodically with government departments and with the Interdepartmental AIDS Liaison Committee to receive feedback regarding the relevancy, usefulness and effectiveness of the policy and programs established to support the policy.

References

Freedom of Information and Protection of Privacy Act (FOIPOP)

Nova Scotia *Human Rights Act*

Nova Scotia *Occupational Health & Safety Act*

Employee Personnel Record Policy (Management Manual 500, Chapter 11.2)

Government of Nova Scotia Occupational Health and Safety Policy

Nova Scotia Advisory Commission on AIDS

Interdepartmental AIDS Liaison Committee

Enquiries

Occupational Health and Safety Consultant
Public Service Commission
PO Box 943, Halifax
B3J 2V9
Phone: (902) 424-8037
Fax: (902) 424-0631

Appendices

Appendix 16-A: Glossary Of Terms HIV/AIDS

Approval date: ***October 16, 2001***
Approved by: ***Minister, Public Service Commission***

Manual release date: ***January 9, 2003***
Most recent review:

Appendix 16-A

Glossary of Terms-HIV/AIDS

HIV - HUMAN IMMUNODEFICIENCY VIRUS
HIV is the virus which causes AIDS. HIV attacks a specific kind of cell that is part of the body's immune system. This reduces the body's ability to fight off disease. HIV can also directly attack the brain and the nervous system. HIV can only be contracted through a few, very specific ways. The virus is carried in body fluids such as blood, semen and vaginal fluids. In order for the transmission of HIV to occur, the blood, semen or vaginal fluids from a person infected with HIV must enter the blood stream of another person. This happens through unprotected vaginal, anal, or oral intercourse with a person who is infected with HIV; through use of unsterile needles and syringes and skin piercing instruments; from HIV infected mother to baby through pregnancy, during birth or through breast feeding; or in transfusions or injections of infected blood or blood products. (All blood products have been screened for HIV since 1985.) HIV affects people in different ways. Some people become ill and develop AIDS in a very short time and others take several years after becoming infected with HIV before AIDS develops.

AIDS - ACQUIRED IMMUNODEFICIENCY SYNDROME
AIDS is the last stage of a long-term infection with HIV. Over time, the immune system becomes so damaged that an HIV infected person can no longer fight off a number of life threatening infections and cancers. These illnesses take advantage of the "opportunity" presented by a weakened immune system, and are referred to as "opportunistic infections". AIDS is diagnosed when three conditions exist: the person has tested HIV positive, there are clinical indications that the immune system is breaking down, and the person has an opportunistic infection or cancer.

CASUAL CONTACT
Refers to activities that bring someone in contact with another person or a common object such as shaking hands, hugging, being close to someone who is coughing, sneezing, crying, touching common objects such as mail, money, door-knobs, telephones, toilet seats or swimming in a public pool. There is no evidence to suggest that HIV can be spread through casual person to person contact in any setting;

therefore, under normal working conditions, employees and others with HIV infection or AIDS do not pose a risk to others in the workplace.

OCCUPATIONAL RISK OF EXPOSURE
Refers to employee/client interface where job duties and responsibilities may involve contact (actual or potential) with human blood and other bodily fluids and to those who volunteer to provide first aid services while at work.

BLOODBORNE PATHOGEN CONTROL STRATEGIES
Blood and certain body fluids can be infected with tiny organisms that can cause disease in humans. These micro-organisms are known as bloodborne pathogens. The bloodborne pathogens of most concern are the human immunodeficiency virus (HIV) and the hepatitis B and C viruses. In a workplace where there is a particular risk of exposure to blood and certain body fluids, the employer must offer education and training programs, provide the materials and personal protective equipment necessary for implementing infection control measures which are the same for HIV and Hepatitis B and C. The employer must also make sure these measures are respected.

INTERDEPARTMENTAL AIDS LIAISON COMMITTEE
This Committee, originally formed in 1994, was mandated to monitor the implementation of the Nova Scotia AIDS Strategy. In 1998, a revised mandate was adopted which states the Committee will work to "achieve coordinated government action on HIV/AIDS issues in Nova Scotia". The Committee consists of representatives from the following departments: Health, Community Services, Education, Environment and Labour, Justice, Human Resources, Human Rights Commission, and the Advisory Commission on AIDS. The Advisory Commission on AIDS acts as secretariat for this Committee.

NOVA SCOTIA ADVISORY COMMISSION ON AIDS
The Advisory Commission was formally appointed in the fall of 1989, to act as a resource for all government departments around issues relating to HIV/AIDS. The Advisory Commission works to create a policy climate through which all Nova Scotians can work together to prevent the transmission of the Human Immunodeficiency Virus, and to care for persons affected by HIV, by employing policies and programs that are reasonable, enlightened and compassionate.

The Advisory Commission on AIDS can be contacted at:
Phone: (902) 424-5730
Fax: (902) 424-4727

Chapter 17: Smoking

17 Smoke-Free Workplace Policy

Policy Statement

The Government of Nova Scotia is committed to protecting and promoting the health, safety, and well-being of employees. Whereas environmental tobacco smoke is recognized as a carcinogen, a serious and well-documented health hazard, and is a major airborne contaminant, it is the policy of the Government of Nova Scotia to provide a smoke-free work environment wherever possible.

The smoking of tobacco or other products is prohibited in all government workplaces including vehicles.

Definitions

DEPUTY HEAD

The deputy minister of a department or the senior administrative officer of an agency not reporting through a deputy minister.

WORKPLACE

Any work space including an area of four metres (12 feet) surrounding building entrances, opened windows, and air intakes and any vehicle or mobile equipment used in the course of employment when occupied by two or more persons. Where there is a conflict between the distance restriction provided in this policy and a municipal by-law, the more restrictive distance applies.

Policy Objectives

The objectives of this policy are to

- provide a healthy and safe workplace environment for employees and persons in government workplaces
- promote and support healthy lifestyles of government employees.

Policy Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations, all bargaining unit staff who are employed by the Government of Nova Scotia, and all persons in government workplaces.

Application for an exemption may be made in situations where the policy is deemed unreasonable or impractical or contravenes the *Smoke-free Places Act*.

The correctional facilities may permit burning/smoking during the observances of special cultural and religious ceremonies that are conducted in accordance with institutional operating procedures.

Policy Directives

- All employees and persons in government workplaces must be informed of the Smoke-Free Workplace Policy.
- All government workplaces, including government-owned vehicles, must prominently display no smoking signage for the benefit of employees and persons in government workplaces in accordance with the signage requirements established in Appendix 17-A. Both building and vehicle signage are available from the Stationery Stockroom.
- Employees who violate this policy may be subject to disciplinary action in accordance with provisions of the *Civil Service Act*, collective agreements, and Management Manual 500.
- Concerns or complaints that the policy is not being adhered to or not being enforced should be made to the appropriate supervisor/manager. If the complainant is not satisfied with the response, the complaint may then be forwarded to the applicable departmental joint occupational health and safety (JOH&S) committee in the particular workplace. The departmental JOH&S committee will investigate and make recommendations in writing to the appropriate management. Concerns and complaints not effectively resolved may be forwarded by the local JOH&S committee to the JOH&S Master Committee at the Public Service Commission.
- All new workplace lease/rental agreements must meet the requirements of this policy. All landlords must be notified in writing of the coming into effect of this policy and of the changes in leasing/rental requirements.
- To seek an exemption under the policy, an application must be made in writing to the Commissioner of the Public Service Commission. The written application must be approved by the applicable deputy head and submitted with a copy of the local JOH&S committee review along with a recommendation(s) and procedure that

outlines the steps being taken to restrict exposure to second-hand smoke for employees and other persons in the workplace. All applications will be reviewed by the JOH&S Master Committee and recommendations made to the Commissioner of the Public Service Commission. An exemption is effective for a two-year period, and a renewal must be sought prior to the expiry date.

- Where an exemption is granted in accordance with the *Smoke-free Places Act* or in circumstances where government employees work in environments over which the employer has no control, the employing department(s) must inform new and existing employees accordingly and develop and implement work practices that minimize the employees' exposure to second-hand smoke.
- Government institutions that permit burning/smoking as part of a cultural or religious ceremony must develop and implement operating procedures that detail how such special occasions are considered, approved, and conducted.
- Employees are to contact their Human Resource Division/Corporate Services Unit of the department and/or their Occupational Health and Safety Consultant/ Coordinator for information on smoking cessation programs as outlined in Appendix 17-B and any other support the department may be able to provide employees who wish to stop smoking.

Accountabilities

DEPUTY HEAD

The Deputy Head is responsible for ensuring the consistent application of this policy.

MANAGERS/SUPERVISORS

Managers/Supervisors are responsible for adhering to and ensuring compliance with the policy.

EMPLOYEES

Employees are responsible for adhering to the policy and following any safe work practice devised to protect health and limit exposure to second-hand smoke.

PUBLIC SERVICE COMMISSION

The Public Service Commission is responsible for developing and maintaining this policy and for providing advice and assistance to departments in order to implement the policy effectively.

JOINT OCCUPATIONAL HEALTH AND SAFETY MASTER COMMITTEE

The Joint Occupational Health and Safety Master Committee is responsible for reviewing any complaints received from departmental JOH&S committees and for making recommendations to the department and to the Commissioner of the Public Service Commission. It will review all exemptions and requests for exemptions and will make recommendations to the Commissioner of the Public Service Commission.

DEPARTMENTAL JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

The departmental joint occupational health and safety committee is responsible for investigating complaints regarding compliance with the policy and making recommendations in writing to the appropriate management.

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

The Department of Transportation and Public Works will ensure that all new workplace lease/rental agreements reflect the smoke-free environment requirements for government workplaces and that leased/rental facilities are in compliance.

BUILDING OPERATORS

Building operators are responsible for the installation and maintenance of proper signage as per Appendix 17-A.

Monitoring

The Deputy Head of each department, agency, board, or commission is responsible for the consistent implementation and monitoring of the policy.

The Public Service Commission will consult with government departments, agencies, boards, and commissions and with the Joint Occupational Health and Safety Master Committee on a yearly basis to receive feedback regarding the relevancy, usefulness, and effectiveness of the policy.

References

Government of Nova Scotia Occupational Health and Safety Policy

Occupational Health and Safety Act, S.N.S. 1996, c.7

American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRE) Standard 62-1989, "Ventilation for Acceptable Indoor Air Quality"

Decision OHS 96-19 Between the Ontario Public Service Employees' Union and the Ministry of Labour and the Ministry of the Solicitor General and Correctional Services – Sault Ste. Marie Jail

Second-Hand Smoke and Indoor Air Quality, Ontario Medical Association, November 1996

Smoke-free Places Act, S.N.S. 2002, c.12

Enquiries

Occupational Health and Safety Consultant
Public Service Commission
Province of Nova Scotia
PO Box 943
Halifax, NS B3J 2V9
Telephone: (902) 424-8037
Fax: (902) 424-0631

Appendices

Appendix 17-A: Signage
Appendix 17-B: Smoking Cessation Information

Approval date:* *January 23, 2003
Approved by:* *Executive Council

Manual release date: February 4, 2003
Most recent review:

Appendix 17-A

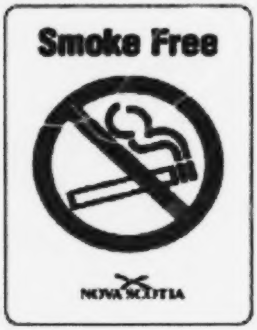
Signage

Building Signage

The following graphic symbol must be used to indicate that smoking is prohibited. The symbol consists of a white background with the circle and the interdictory stroke in red through a white cigarette with black ash and plume. The graphic symbol must include the text "Smoke Free" and the Province of Nova Scotia logo. Where there is no signage, signs are to be posted at each entrance to a workplace and must be clearly visible to those entering the building. Signs must not be obstructed from view.

Vehicle Signage

For vehicle signage the graphic symbol must also be used to indicate that smoking is prohibited. The symbol consists of a white background with the circle and interdictory stroke in red through a white cigarette with black ash and plume. The graphic symbol must include the text "Smoke Free" and the Province of Nova Scotia logo. Signs are to be posted in all vehicles that are owned or leased by government. Signs are to be placed on the vehicle dash and must be clearly visible to all occupants.



Appendix 17-B

Smoking Cessation Information

The following organizations can be contacted for smoking cessation programming and resources:

CANADIAN CANCER SOCIETY, NOVA SCOTIA DIVISION
5826 South Street, Ste 1
Halifax, NS
B3H 1S6
Tel: (902) 423-6183 or 1-800-639-0222
Fax: (902) 429-6563

- self-help quitting resources

CANCER INFORMATION SERVICES
Tel: 1-888-939-3333

- self-help quitting resource; telephone counselling
- information on group-based cessation programs for women

THE LUNG ASSOCIATION OF NOVA SCOTIA
17 Alma Crescent
Halifax, NS
B3N 3E6
Tel: (902) 443-0912 or 1-800-465-LUNG
Fax: (902) 445-2573

- self-help resources
- group-based programs for mixed groups

REGIONAL PUBLIC HEALTH SERVICES
Contact local offices

- self-help resources

REGIONAL ADDICTION SERVICES
Contact local offices

- resources and programs vary by region

FAMILY PHYSICIANS

- individual counselling
- nicotine replacement therapy (patch, gum)
- Zyban (oral tablet)

Chapter 18: The Separation Procedure

18 The Separation Procedure

Deferred Salary Payment

Employees on staff prior to April 9, 1989, and certain other employees later appointed to government by municipal transfer, received a Deferred Salary Advance (Pensionable Advance). These employees will have the amount of the advance recovered from their final payment(s) upon termination of employment or from benefits received under the Long-Term Disability Plan.

Pensionable Advance

Employees on staff after April 9, 1989 who received a Deferred Salary Advance (Pensionable Advance) will have the amount of the advance recovered from their final pay cheque upon termination of employment or from benefits received under the Long-Term Disability Plan.

Authority

Only the deputy head of a department, or others whom the Governor-in-Council designates as having the status of a deputy head, has the authority to sever an employee's employment relationship with his/her department, no matter by what means the employee's service is terminated. Managers may be involved in the process, but the final decision must rest with the deputy head.

Resignation

An employee may terminate his/her employment by submitting his/her resignation to the Deputy Minister of the department. Both the deputy head of the department and the Public Service Commission must acknowledge receipt of letters of resignation. The letter of resignation must provide the employer with notice ranging from 10 to 30 days, depending on the employee's terms of employment. Employees should consult their collective agreement for length of notice required.

The least amount of notice that an employee can give is 10 days. Failure to give such notice permits the employer to deduct from monies due to the employee, an amount equivalent to the number of days (to a maximum of 10) by which the notice is deficient.

Note: At his/her discretion, the deputy head may accept a shorter period of notice.

As a general rule, letters of resignation are irrevocable. Requests to withdraw a resignation will usually not be approved.

Dismissal for Just Cause

An employee's services may be terminated for just cause. Only a deputy head can authorize a dismissal for just cause, but a manager will certainly be involved in the process leading to this extreme decision. For more information of this subject, see Chapter 9, Performance Management.

Layoff

The Public Service Commission on the recommendation of the deputy head may lay off an employee because of:

- technological change
- shortage of work or funds
- the discontinuance or reorganization of a function.

The procedure to be followed, the notice to be given, and the termination allowance applicable to bargaining unit employees are all governed by the provisions contained in various collective agreements. For employees who are not included in a bargaining unit, the procedure is laid out in the regulations made pursuant to the *Civil Service Act*, which are regulations 86, 87, 88, 89, 90, 91, and 92.

Retirement

The normal retirement age in the civil service is 65. For the benefits and other criteria respecting pensions and benefits available to retirees, see Chapter 6, Pensions and Insurance.

Death

If an employee dies while in the service of a department, the manager should immediately advise the departmental human resources office or corporate service unit. Most departments have an internal policy for dealing with this eventuality, and this contact will ensure a consistent approach when dealing with next of kin, etc. You should seek advice on such matters as:

- flowers or wreaths to be sent on behalf of the department
- notification to other employees
- making personal contact with the surviving spouse or dependents
- preparing documents and other communications with dependents relating to:
  - amount of group life insurance
  - amount of public service award
  - pension calculation or amount of refund
  - names and ages of dependents
  - group medical insurance
  - vacation entitlement at time of death.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review: April 1, 2001***

Chapter 19: Employee Service Awards

19.1 Long Service Awards

Eligibility

A Long Service Award will be granted to employees of the civil service of the Province of Nova Scotia and to Order-in-Council appointees in recognition of 25 years of service. The entitlement of an employee to a Long Service Award is based on:

- the period the employee was subject to the provisions of the Province of Nova Scotia *Public Service Superannuation Act,* while functioning as a civil servant and/or Order-in-Council appointee in the public service of the Province of Nova Scotia
- the period the employee was employed with the Province of Nova Scotia under the definition of service as it appears in regulations under the Civil Service Act, Chapter 34, *Revised Statutes of Nova Scotia,* 1967
- as defined in the collective agreements entered into with the Nova Scotia Government Employees Union.

The award, consisting of a lapel pin, will be granted to eligible employees during the calendar year in which 25 years of service is attained. Employees do not have to make application for the award. The Public Service Commission will initiate correspondence with departments to determine eligibility of employees and will arrange for appropriate presentation ceremonies to be observed.

Long Service Award Committee

This committee is composed of:

- the Public Service Commissioner
- the President of the Nova Scotia Government Employees Union
- a member appointed by the Executive Council.

The above-mentioned members may nominate additional committee members as they see fit.

The functions of the committee are:

- to administer the Long Service Award
- to recommend or approve appropriate presentation ceremonies
- to take responsibility for such other matters as may require general supervision, direction, or advisement.

Costs

The initial cost of the die for the awards is paid by the Public Service Commission. The cost of the award itself will be borne by the department in which the employee is working at the time the award is granted. Departments will be invoiced by the Public Service Commission. Each department is also responsible for the cost of travel and accommodation for one night and meals of the recipient and spouse or guest, provided the spouse or guest resides in Nova Scotia.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:
Approved by:

Manual release date: January 9, 2003
Most recent review:

19.2 Public Service Awards

Managerial and Confidential Employees

An employee who ceases to be employed either by retirement or resignation from employment, and who is immediately eligible for and immediately accepts a pension pursuant to the *Public Service Superannuation Act*, shall be granted a public service award.

The amount of the Public Service Award provided will be calculated by the following formula:

> One week's pay (half of bi-weekly salary) for each year of full-time service to a maximum of 26 full years. The award will include a prorated payment for a partial year of service.

NOTE: The salary to be used in calculating the amount of the Public Service Award will be the salary that the employee was receiving at the date of separation.

ENTITLEMENT

The entitlement of an employee to a Public Service Award will be based upon the employee's period of service as defined in regulations under the *Civil Service Act* 1(h), effective January 1, 1975. However, an employee appointed prior to January 1, 1975 is entitled to a Public Service Award based upon the period of service credited to and paid for by him/her under the *Public Service Superannuation Act* or the period of service defined in Regulation 1 (h), whichever is greater.

DEATH OF ELIGIBLE EMPLOYEE

If the employee would have been entitled to receive a Public Service Award had he/she retired from the public service immediately before the date of his/her death, the Public Service Award to which he/she would have been entitled will be paid:

- to the beneficiary under the Master Group Life Insurance Policy of the Constellation Assurance Company Limited, Policy No 50976-2 for managerial and non-bargaining employees
- to the estate of the deceased, if there is no such beneficiary.

PAYMENT TO A TRUSTEE

If the Public Service Award is payable to a person who has not attained the age of 19 or to a person who in the opinion of the Governor-in-Council is not capable of managing his/her affairs by reason of infirmity, illness, or other cause, the Governor-in-Council will direct that the award be paid to a trustee for the benefit of the person entitled to receive the award.

Bargaining Unit Employees

The Public Service Award for bargaining unit employees is administered in accordance with the terms of the respective collective agreement.

References

Civil Service Act General Regulations
Public Service Superannuation Act

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review: August 8, 2003***

19.3 Gifts and Awards

A gift bank service to promote Nova Scotian artisans and distributors is provided to government departments, agencies, boards, and commissions by the Protocol Office. This service is to be utilized by government officials for presentation of gifts to dignitaries, for trade missions or conferences, or as an award for a special service.

A gift bank price list and instructions regarding purchase are available on the government intranet (iweb.gov.ns.ca/prot) or by contacting the Protocol Office.

Enquiries

Chief of Protocol
Protocol Office
One Government Place
1700 Granville Street
Halifax, Nova Scotia B3J 2Y3
Phone: (902) 424-6740
Fax: (902) 424-4309

Approval date: ***October 17, 2001***
Approved by: ***Chief of Protocol, Protocol Office***

Manual release date: ***January 9, 2003***
Most recent review: ***September 19, 2005***

19.4 Retirement Celebrations

It is the normal practice that retirement gifts and celebrations should be financed by contributions from fellow employees and not at public expense. However, a department may authorize funding for a retirement gift where it wishes to give special recognition to a particular individual for exceptionally long service, or in some other special circumstance. Where government participation is deemed appropriate, the Deputy Minister of the authorizing department is responsible for providing a justification for using public funds that is signed and maintained by the Human Resources Director in the department.

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date:	***Manual release date: January 9, 2003***
Approved by:	***Most recent review:***

Chapter 20: Disclosure of Wrongdoing Policy

20 Disclosure of Wrongdoing Policy

Policy Statement

The Government of Nova Scotia is committed to providing employees with a reporting process for the disclosure of government wrongdoing and with protection against reprisal action which might have resulted from the disclosure.

This policy balances the employee's protection against reprisal for disclosing government wrongdoing, with the rights of the alleged wrongdoer. The clearly defined process for disclosure will allow for confidentiality, investigation, and recommendations.

This policy and the Regulations Respecting Civil Service Disclosure of Wrongdoing are in addition to provisions that already exist under acts such as the *Occupational Health and Safety Act*, *Ombudsman Act*, *Environment Act*, *Human Rights Act* and *Civil Service Act*, and also under collective agreements and at common law.

This policy has been developed pursuant to the Regulations Respecting Civil Service Disclosure of Wrongdoing.

Definitions

COMMISSIONER
The Public Service Commissioner.

CONFLICT OF INTEREST COMMISSIONER
A person designated under Section 26 of the *Members and Public Employees Disclosure Act*.

DEPUTY HEAD
The deputy minister or designate of a department, or the senior administrative officer of an agency not reporting to a deputy minister.

EMPLOYEE
- an employee as defined in the *Civil Service Act*
- an employee as defined in the *Corrections Act*
- an employee as defined in the *Highway Workers Collective Bargaining Act; or*
- any other person directly employed by the Province of Nova Scotia

EMPLOYER

Her Majesty in the right of the Province of Nova Scotia, as represented by Nova Scotia government departments, offices, and public service entities as specified in Category I of Appendix 1-A (Management Manual 100, Chapter 1, Policy 1.2 Management Manuals Policy).

GROSS MISMANAGEMENT

A deliberate act or an omission showing a reckless or wilful disregard for the efficient management of significant government resources.

OMBUDSMAN

The Ombudsman appointed pursuant to the *Ombudsman Act*.

REPRISAL

Reprisal action taken against an employee who has made a disclosure, in good faith, of wrongdoing under the Regulations Respecting Civil Service Disclosure of Wrongdoing includes

- a disciplinary measure
- demotion of the employee
- termination of the employment of the employee
- any measure that adversely affects the employment or working conditions of the employee, or
- a threat to take any of the previously identified measures.

WRONGDOING

A wrongdoing occurs if there is

- a violation of any Parliament of Canada or *Nova Scotia Legislature Act* or of any regulations made under any act, if the violation relates to the official activities of employees or any public funds or assets
- gross mismanagement
- an act or an omission that creates a substantial and specific danger to the life, health or safety of a person; or
- the taking of a reprisal against an employee.

Policy Objectives

- To provide a process for the disclosure of wrongdoing and protection to employees who want to report government wrongdoing without fear of reprisal action being taken against them.
- To offer advice and direction for employees who want to disclose government wrongdoing.

- To protect the identity (whenever possible) of those involved in the process (e.g., alleged wrongdoer, employee disclosing and witnesses).
- To promote accountability for government by tabling an annual report in the House of Assembly.
- To clearly define wrongdoing in government and reprisal action not acceptable against the employee disclosing wrongdoing in good faith.

Application

This policy applies to all employees as defined above.

Policy Directives

An employee may request advice on the disclosure of a wrongdoing from the Conflict of Interest Commissioner by submitting a written request for advice (Appendix 20-A).

DISCLOSURE PROCESS

Employees are expected to follow a systematic approach for the disclosure of a wrongdoing by the disclosure process identified below. **All disclosures must be made in written form** (Appendix 20-B), unless there is imminent and serious danger.

1. An employee who reasonably believes that they are being asked to commit a wrongdoing, or who reasonably believes that a wrongdoing has been committed or is about to be committed, may disclose the matter to their immediate supervisor/manager.
2. If an employee reasonably believes the matter is not being appropriately addressed by their immediate supervisor/manager, or if the employee reasonably believes it is not appropriate to disclose the matter to their immediate supervisor they may disclose the matter to their deputy head.
3. If an employee reasonably believes the matter is not being appropriately addressed by their deputy head or if the employee reasonably believes it is not appropriate to disclose the matter to their deputy head, they may disclose the matter to the Ombudsman.
4. An employee may make a disclosure of wrongdoing to the police department or police agency that the employee reasonably believes can address imminent and serious danger, only if they believe on reasonable grounds that
    - it is necessary to do so to prevent imminent and serious danger to the life, health or safety of a person; and

- there is not sufficient time to make the disclosure using the processes identified above in this policy.

5. A supervisor/deputy head who receives the disclosure must respond in writing to the disclosing employee within **30 days**, in addition
   - a supervisor must report in writing to their deputy head, within 30 days of receiving the disclosure from the disclosing employee; **or**
   - a deputy head must report in writing to the Commissioner, within 30 days of receiving the disclosure from the disclosing employee.
6. A deputy head who receives a disclosure of wrongdoing or a report notifying them of an alleged wrongdoing, may within **30 days** of receiving the information, refer the matter to the Ombudsman.
7. The Ombudsman, after receiving the disclosure either from the disclosing employee or the deputy head will determine if an investigation is warranted (Appendix 20-C).
   - If it is not appropriate to investigate the Ombudsman will give written notice to the disclosing employee, Commissioner, and deputy head in such cases where the deputy head has been made aware of the disclosure.
   - If it is appropriate to investigate the Ombudsman will give written notice to the disclosing employee, the deputy head of the department to be investigated, and the Commissioner.
8. After an investigation, the Ombudsman must report the findings in writing (Appendix 20-C), to the disclosing employee, any deputy head involved in the disclosure or the investigation, and the Commissioner.
9. If a finding of wrongdoing is made by the Ombudsman, the Ombudsman
   - must recommend measures in writing to correct the wrongdoing to the appropriate deputy head, and send copies to the disclosing employee and the Commissioner; and
   - may request notification, within a specified time, of any steps taken to give effect to the recommendations.
10. The deputy head must respond in writing within **30 days** to the Ombudsman with respect to any recommendations in the investigation report. A copy of the deputy head's response must be provided to the Commissioner.
11. The Ombudsman may report a matter to an appropriate member of the Executive Council, in situations as specified in Section 15 of the Regulations Respecting Civil Service Disclosure of Wrongdoing.

12. The Ombudsman must, within **3 months** after the end of each fiscal year, submit an annual report to the Commissioner setting out, for that fiscal year, the information specified in Appendix 20-C.
13. The Commissioner must report annually to the Minister responsible for the Public Service Commission, respecting disclosures of wrongdoing made during the fiscal year.
14. The Minister will table the report received from the Commissioner in the House of Assembly.

POWERS AND LIMITATIONS

- A disclosure of wrongdoing must be made within 12 months of the employee becoming aware of the wrongdoing.
- A deputy head must provide the Ombudsman with any facilities, assistance, information and access to the offices under their control and direction that the Ombudsman requires for the performance of their duties under this policy.
- No person shall wilfully obstruct a supervisor, a deputy head, the Ombudsman or any person acting on behalf of or under the direction of any of them, in the performance of their duties under this policy.
- Every employee must co-operate with the Ombudsman and provide them with any information that they may require in the performance of the Ombudsman's duties under this policy.

PROTECTION AND CONFIDENTIALITY

- To the extent possible, the identity of the persons involved in the disclosure process, including employees, witnesses and persons who are alleged to be responsible for wrongdoings, shall be protected from publication.
- No person should publically disclose any information that comes to their knowledge in the performance of their duties under this policy.
- An employee shall not disclose information that would reveal the substance of deliberations of the Executive Council or any of its committees; or information that is protected by solicitor-client privilege.

FALSE OR MISLEADING DISCLOSURES

- No person shall, in a disclosure of a wrongdoing or in the course of any investigation of a wrongdoing, knowingly make a false or misleading statement, either orally or in writing, to a supervisor, deputy head, the Ombudsman or a person acting on behalf of or under the direction of any of them.

- No person, knowing that a document or thing is likely to be relevant to an investigation under this policy, shall
  - destroy, mutilate or alter the document or thing
  - falsify the document or make a false document
  - conceal the document or thing; or
  - direct, counsel or cause, in any manner, any person to do anything mentioned above, or propose, in any manner, to any person that they do anything mentioned in the above clauses.
- An employee may be subject to appropriate disciplinary action, including termination of employment, if the employee
  - commits a wrongdoing
  - makes a disclosure of a wrongdoing which is determined to be frivolous, vexatious, or in bad faith; or
  - makes a disclosure of a wrongdoing other than in the course of a procedure established under this policy or any act of the Legislature or when otherwise lawfully required to do so.

Accountability

EMPLOYEES

Employees are responsible for acting in accordance with this policy.

SUPERVISORS/MANAGERS

Supervisors/managers are responsible for ensuring that employees are informed of the policy and process. They are also responsible for responding to any disclosures of wrongdoing that are reported to them in accordance with the process established in this policy.

DEPUTY HEADS

Deputy Heads are responsible for ensuring that employee disclosures are reviewed and addressed as provided for in this policy. They are also responsible for responding to any disclosures of wrongdoing that are reported to them in accordance with the process established in this policy.

Deputy Heads shall ensure all employees are provided education, training, and support during the implementation of this policy.

COMMISSIONER

The Public Service Commissioner is responsible for an annual report to the Minister of Human Resources.

OMBUDSMAN

The Ombudsman is responsible for responding to any disclosure of wrongdoing in accordance with the process as established in this policy, and reporting annually to the Public Service Commissioner.

Monitoring

The Public Service Commission is responsible for monitoring the effectiveness of the process within the policy, and may periodically conduct audits of departmental practices to ascertain compliance by departments with this policy.

Departments are responsible for complying with all the terms of this policy.

References

Civil Service Act
General Civil Service Regulations
Regulations Respecting Civil Service Disclosure of Wrongdoing
Highway Workers Collective Bargaining Act
Corrections Act
Ombudsman Act
Members and Public Employees Disclosure Act

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Appendices

Appendix 20-A Request for Advice
Appendix 20-B Disclosure of Wrongdoing Form
Appendix 20-C Investigation Criteria for Ombudsman to Investigate a Disclosure of Wrongdoing and Reporting Requirements of the Ombudsman

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Approval date: September 8, 2004 ***Manual release date: September 17, 2004***
Approved by: Executive Council ***Most recent review:***

Appendix 20-A

NOVA SCOTIA

Request for Advice

I, ______________________ of the Department ______________________ in
(Print Name) (Print Department)

______________________ request advice on the following matter:
(Print Location)

Nature of the wrongdoing:

Date of wrongdoing:

Name of person alleged to have committed or to commit the wrongdoing:

Department and Position of wrongdoer:

Advice requested:

Further comments:

____

____

______________________________ ____________________
Signature Date

Contact Information:

Email: ______________________________

Phone: ______________________________

Conflict of Interest Commissioner
Granville Level, Joseph Howe Building
1690 Hollis Street
Halifax, NS
Phone: (902) 424-5345
Fax: (902) 424-0632

Appendix 20-B

NOVA SCOTIA

Disclosure of Wrongdoing Form

I, ______________________ of the Department ______________________ in
(Print Name) (Print Department)

______________________ would like to disclose a wrongdoing.
(Print Location)

Nature of the wrongdoing:

Date of wrongdoing:

Name of person alleged to have committed or to commit the wrongdoing:

Department and Position of wrongdoer:

Has this disclosure been made before? ______
If yes, to whom and when (name, position, department, date):

Further comments:

____

____

______________________________ ____________________
Signature Date

Contact Information:
Email: ______________________

Phone: ______________________

Appendix 20-C

NOVA SCOTIA

Investigation Criteria for Ombudsman to Investigate a Disclosure of Wrongdoing and Reporting Requirements of the Ombudsman

Investigation Criteria

The Ombudsman must investigate a disclosure of a wrongdoing if

- all other procedures available to the disclosing employee have been exhausted before submitting the disclosure of wrongdoing to the Ombudsman's Office
- the subject matter of the disclosure would not be dealt with more appropriately by an alternate procedure under an act of the Legislature, regulation or policy
- the subject matter of the disclosure is not trivial, frivolous or vexatious
- the disclosure was made in good faith with the reasonable belief in the truth of the allegations
- the disclosure provides adequate particulars of a wrongdoing in writing as outlined in Appendix 20-B
- the disclosing employee was not aware of the wrongdoing for longer than twelve (12) months
- if no other authority has jurisdiction over the investigation (e.g., criminal investigation being conducted by Law Enforcement)
- having regard to all the circumstances of the case, an investigation is warranted.

Reporting Requirements

The Ombudsman must report any investigation findings in writing, including

- the information received in the disclosure
- the steps taken in the investigation
- a summary of the evidence obtained
- whether a wrongdoing has been established
- any additional relevant information, to the disclosing employee, any deputy head involved in the disclosure or the investigation, and the Commissioner

The Ombudsman must, within 3 months after the end of each fiscal year, submit an annual report to the Commissioner setting out, for that fiscal year

- the number of general inquiries relating to this policy
- the number of disclosures received
- the number of investigations commenced
- the number of recommendations made to appropriate deputy heads
- whether there are any systemic problems that give rise to wrongdoings
- any recommendations for improvement that the Ombudsman considers appropriate
- any additional matter that the Ombudsman considers necessary.